United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, TUESDAY, SEPTEMBER 9, 2008 No. 142

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 9, 2008.

I hereby appoint the Honorable JOSÉ E. SERRANO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

THE GOVERNMENT BAILS OUT FANNIE AND FREDDIE

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

Mr. STEARNS. Mr. Speaker, it's no secret that our country is facing economic uncertainty with a rapidly rising national debt and a lingering housing and mortgage crisis. Just weeks ago, our Congress orchestrated a sweeping effort to prop up government-sponsored enterprises—GSEs Fannie Mae and Freddie Mac—which own or insure half of our Nation's mortgages by exposing American taxpayers to vast financial risk. Now, just this past weekend, the Treasury has finalized a plan to officially bail out Fannie and Freddie, a step I had hoped our government would not be forced to take.

It used to be argued that simply chartering Freddie and Fannie didn't mean that the Federal Government was on the hook if these mortgage giants collapsed, but now no one can make that case anymore. The recent and worrisome events occurring in the United States' housing market have revealed that the Federal Government bears significant risk in its chartering of Fannie Mae and Freddie Mac. Although these two GSEs are supposed to make the American dream come true, the reality is that they are contributing relatively little to the overall quality of the U.S. housing finance system.

At the same time, they have created exorbitant risks both for the taxpayers and for the entire economic system that cannot be adequately addressed by simple regulation alone. Over the years, Fannie and Freddie have been allowed to incur $5.2 trillion in debt by borrowing $1.5 trillion and by guaranteeing mortgage-backed securities worth almost $4 trillion. Unfortunately, since January of this year, Fannie and Freddie's stock has also declined by about 90 percent. The collapse of these two, their common shares, coupled with the current credit, housing and mortgage crisis and illiquidity of our markets, has clearly demonstrated that the financial and regulatory structures we have been operating have failed us.

With the hasty passage of the Housing and Economic Recovery Act (H.R. 3221), which I voted against, Congress granted the Treasury a broad new authority to inject capital into the struggling mortgage giants if that's needed. To the surprise of few, with a collapse imminent, the Treasury decided this past weekend it would transfer the control of Fannie and Freddie and place it into conservatorship, which is akin to the filing of chapter 11 bankruptcy. The Treasury will now commence with buying mortgage-backed securities from banks in the open market at the expense of American taxpayers.

Although this move will probably lower interest rates on home loans by, maybe, about 1 percent, the bailout won't stabilize home prices or swiftly curb the rate of foreclosures, which are currently at an all-time high. Thus, the immediate effect of the Treasury bailout of Fannie and Freddie will serve to benefit, for the most part, international stock exchanges and large central banks in foreign countries. To be specific, one of the biggest, immediate beneficiaries of this bailout will be the central banks in Asia, such as the People's Bank of China, which has billions invested in Fannie Mae and Freddie Mac bonds.

Four years ago, Federal Reserve Board Chairman Alan Greenspan told the Senate Banking Committee: ''The existence or even the perception of government backing undermines the effectiveness of market discipline,'' and he was right.

We must find an effective way to free our economy from the grips of this avoidable financial instability. In order to do so, Fannie and Freddie must be restructured and set on a path towards gradual privatization, for placing Fannie and Freddie into conservatorship is not a good long-term solution. Privatization is the most viable solution to mitigating the enormous risks posed by these out-of-control GSEs.

To be sure we never find ourselves in this situation again, Fannie and Freddie must be removed entirely from the government's account, be placed in direct competition with other financial institutions and be subjected to the effective discipline of the U.S. market. In this way, we can stabilize these important mortgage firms, restore confidence to investors and shareholders and relieve American taxpayers from the burden of another costly bailout.

Also, I call for an immediate investigation by this body into Freddie Mac's unreported financial results of almost $9 billion. Let's ask former CEO

Printed on recycled paper.

Franklin Raines to explain these fraudulent audits that were presented.

The American people deserve better than what these GSEs have to offer. We cannot allow them to leave us with a legacy of debt to be shouldered by hardworking Americans, for as Thomas Jefferson so aptly said a long time ago, ''[the] principle of spending money to be paid by posterity under the name of funding is but swindling our future on a very large scale.''

ENERGY

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

Mr. INSLEE. I've come to the floor this morning to talk about a great opportunity we have in the next 2 or 3 weeks here in Congress to really adopt a comprehensive energy bill that will move forward with the bold strokes that America needs, but I mention bold strokes rather than tiny, little baby steps, and we will not have accomplished our goal this fall if we just take tiny, little baby steps, and unfortunately, that still remains a possibility.

Now, the tiny, little baby steps that I refer to are the efforts to go for a little thimble full of fuel off of our coastline, and this has really gotten the majority of the debate, but unfortunately, it's not where the tankers full of energy are. We know that if we drill off our coastlines it simply won't answer the problem that we have because there is just not enough oil there. We consume 25 percent of the world's oil, but we only have 3 percent of the world's oil supply even if we drill off our coastline or in Yellowstone National Park or on the south lawn of the White House. So, while we're having an honest debate about where to drill, there is one thing we know for sure: drilling is not enough. Even if we do expand the places where we drill—and my side of the aisle is supporting using the 68 million acres that are already leased, in fact, starting drilling on those areas that are already leased—we know we have to do so much more than just drill.

The good news is that we will have on the floor in the next couple of weeks a proposal that will move forward broadly with the new technologies that really provide the vast, huge tankers full of energy that we need to replace our fossil fuel-based economy, but I learned this August at some companies that I visited and at some research labs that we are just on the cusp of a clean energy revolution that is now ready, if we can ask some of my fellows across the aisle to join us, for truly having a comprehensive plan.

I want to just run through some of the companies I visited this August. I went to the National Renewable Energy Lab in Golden, Colorado, and I saw an incredible place where they had two plug-in electric cars. Right above them was a photovoltaic cell of about, maybe, 10 by 20 on a pedestal right above them. With that one solar photovoltaic panel, they were charging two plug-in electric cars that would go 30 to 40 miles, all electric. Then if you wanted to go more than 40 miles, you could run it on gasoline or potentially on ethanol, a plug-in electric car. You could see a vision where we have PV cells in our homes or at our businesses, powering our cars with plug-in electric technology, and it was right there in Golden, Colorado. It is not a pipe dream. It is on the roads today. The first commercially available plug-in electric car today was written about in the Seattle Post Intelligence in my hometown in Seattle. This is ready to go. Our bill will support that technology.

I met a guy named Bob Nelson on Bainbridge Island in Washington who has a company called Sapphire Energy. Sapphire Energy has figured out a way to use algae and to convert algae to gasoline, pure American-bred gasoline from algae. Our technology will support the commercialization of that technology.

I met a woman named Susan Petty, also in Seattle. She has a company called AltaRock. AltaRock is a company that drills down 3 to 5 kilometers. It pumps down cold water. It fractures rock. It then pumps down water and brings it back up at 300 degrees temperature. It uses that hot water to create steam, and it generates electricity with zero CO_2 emissions and with zero global warming gases. AltaRock Energy is going to be ready to commercialize this technology, we hope, in the next several years that could produce potentially half of our electrical needs in the United States if we can surmount a couple of technological challenges involving pumps. Here is a company that could be a total game changer, and it needs policies from Congress to move forward. Our proposal, the Democratic leadership will propose, will support that technology.

Next, I go down the drive to Bellevue, Washington, and I visit a company called MagnaDrive that is producing an electrical system that can reduce the electrical needs of electrical motors by 60 to 70 percent. They are manufacturing that product today and are shipping it to China. They're hiring people in Bellevue, Washington to produce these things to go to China, to start exporting products to China. This is the future of this country to build these clean energy technologies and to ship them to China. Our bill that we will propose will support that technology.

Now what we need are for some of my Republican colleagues to drop this proposal of ''none of the above'' and to start joining us with a comprehensive approach. What America needs is a clean energy revolution.

THE AMERICAN ENERGY ACT

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

Mr. BOEHNER. Well, Mr. Speaker, let me say ''welcome'' to my Democrat colleagues. ''Welcome back to the House.'' You all left here without a vote on the American Energy Act, and as I look at this week's schedule, it looks like we're going to take another week of vacation because there is not much on the schedule.

While you all were out, I and my Republican colleagues were here each and every day with the lights dimmed, with the microphones off, with no one in the chair, and with the cameras off. We were talking to the visitors who were coming through the Capitol about our plan to produce all of the above.

You know, the American people are tired of high gas prices. Small businesses are having a difficult time with high energy prices. We've got school districts around America that are trying to figure out how they're going to operate their buses this fall with the prices of gasoline and of diesel where they are. Yet Congress has failed to act. What we've been proposing for the last 3 months is the buildup of do all of the above. We need to have more conservation in America, and we need to have the incentives to produce more conservation. We need renewables.

To my colleague from Washington who was just here, I'm in full support of all of these renewables, but many of them are not going to be ready next year or the year after or, for that matter, some of them not for 10 or 20 years.

So, in the meantime, we've got to find a way to produce more energy now, and that means using coal in a clean way whether it's coal to gas or coal to liquid. We can use coal, and we're the Saudi Arabia of the world when it comes to coal, and there is no reason for us not to use it in an environmentally sensitive way. We also need nuclear energy, the cleanest form of energy. Today, it's a 15-year process to get a nuclear permit and to go through all of the steps. It costs billions of dollars, and maybe at the end of 15 years you will get a permit to actually operate.

Even if we do all of that, we've not done all we can do to maximize our energy security and to maximize the amount of energy we can produce to take a big step toward energy independence. That's why producing more American-made oil and gas in an environmentally sensitive way has to be part of this bill.

Now, this bill has been out there. It does all of the above, and I think the American people are demanding that we do all of the above, but the Speaker, before she became the Speaker, promised this would be the most open and accountable Congress in history. In that light, I respectfully ask the Speaker: When will you give the American people a vote on the American Energy Act (H.R. 6566), our plan to do all of the above? Will it be on the floor this week?

There are rumors floating around that we could have an energy bill this

week. Nobody has seen one yet. It hasn't been scheduled, but these rumors are out there. If we're going to have a vote on a little bit of the above or on some of the above that the majority might produce, why not give a large group of Members in this House who want to do all of the above just a chance to have a debate and to vote on our competing proposal?

That's what we're looking for. We want a fair and open debate. We want a chance to have a vote. Anything less than that, frankly, is unacceptable, and the Republicans in this House will continue to force the Democrat majority to allow a vote on doing all of the above because it is what the American people want. It is what they sent us here to do, and we are not going to leave until it gets done.

LOYAL OPPOSITION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE) for 5 minutes.

Ms. JACKSON-LEE of Texas. It's an important time in American history in the opportunities for Americans, and in re-stating the value of our Constitution, and our respect for democracy. Through the long history of America, we've come to know the terms ''majority'' and ''minority'' and the words that sometimes fall to our early history and to our relationship with Great Britain—England. We know the words ''loyal opposition.'' This morning, I want to share with my friends in this House how sometimes the loyal opposition can be loyal to a fault.

There are always ways of saying what you would have and should have done, but as I watch the slow process and progress in Iraq, I want to remind my friends on the other side of the aisle, the Republicans, of the lockstep commitment that they made to the administration on a war that, of course, was misdirected. We're all united behind our soldiers, but 4,000 are dead, and of course, it was the important opposition of the Democrats who persisted and said that Afghanistan has to be the focus. That was the genesis of 9/11. That was where the terrorists were. That was where the Taliban was. We insisted day after day after day that to go into Iraq, to create the destabilization, to, in essence, create the havoc of death, to move the Baathists out of Iraq created the years of devastation and the loss of life—4,000-plus dead Americans and tens and tens of thousands of Iraqis.

Of course, I applaud the changes that have been made now. Of course, I recognize the great valor of our soldiers and of the Iraqi soldiers who have managed to overcome through great hardship, but isn't it interesting: As we have the soldiers announced to come home from Iraq, what happens? What the Democrats said should happen. More soldiers are going to Afghanistan. Bloody fights are taking place on the Pakistani and Afghan border. Again, Republicans, loyal to a fault.

Of course, now there is great discussion about drilling. I practice oil and gas law. I come from Texas. I'm not afraid of drilling, but I recognize the American people are smart enough to know that we must have a seamless energy policy. We are like a fruit basket. The fruit basket has a multiple of fruit—some you like, some you don't—but we enjoy it, the seamless energy policy, unlike the loyal opposition that is on one song and one refrain over and over again. There must be alternatives—biofuel. There must be the look-see at what we can do with clean coal. There must be, as T. Boone Pickens has indicated, wind and solar, and yes, you must find a way to organize a drilling program that, in essence, allows States to opt in. Floridians may have a different perspective, New Yorkers and Californians as opposed to Midwesterners. We know that we must become energy independent, but the loyal opposition has one song, one dance, and it won't work.

Then, of course, when you talk about how much affection we have for our veterans, it's the Democrats who fought and fought and fought to get the first GI bill of rights since World War II to give the opportunity to our returning Iraqi veterans more than the yellow ribbons. We want to give them an opportunity for education and home-buying. We want to give them a leg up. I have legislation to declare a national day of honor so that people don't come home when the lights are off, that we welcome our returning soldiers home with a day of honor and celebration in every Hamlet City and everywhere in America. That's what Democrats are thinking out of the box. That's why we want to make a difference, not just the loyal opposition to a fault.

Then, of course, we hear talk of Fannie Mae and Freddie Mac. It so happens that the collapse came under this administration, and my fear is that, as the government seizes it in the dark of night on the weekend when Members of Congress are not here, what special contractors will get the deal? Who is going to benefit from seizing it? Of course I want to stabilize the housing market. Of course I want the hard-working real estate persons across America to work, but let me say that the Democrats are standing up and are being counted on behalf of the American people on health care, education, energy, and otherwise, our loyalty is to them.

THE HIGHWAY TRUST FUND

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

Mr. FLAKE. This week, the Senate is expected to approve an $8 billion bailout of the highway trust fund. We already passed that in the House here in July, and at that time, myself and 36 other Members opposed it. At the time, we were backed by both the administration and by the Secretary of Transportation.

For years, Congress has known that the highway trust fund was losing its purchasing power. The Federal law gas tax of 18.4 cents has not been increased since 1993, and high fuel efficiency standards have meant fewer fill-ups. Then, of course, earlier this summer, fewer vacations were taken; fewer miles were driven. That means less money for the highway trust fund, but this concern has gone back for years. In fact, when we did the 2005 highway bill, there were many who stood up and who said we're authorizing more projects, more funding than we will have in the highway trust fund, but what did we do? We didn't take any action to solve the problem. Instead, we more than tripled the number of earmarks in SAFETEA–LU, which was the last highway authorization program that we did in 2005 for the 5-year period that we're now in.

So here we are 3½ years later, just a year before our next reauthorization, and we're out of money to cover the projects that we've authorized, but contrary to the example we've seen throughout this Congress, a bailout shouldn't be the answer to every shortfall. No effort, for example, has been made to rescind any of the 6,300 earmarks that were in the highway trust fund, of course, the most famous of which was the bridge to nowhere. That money was rescinded or at least the authorization to spend on that project was taken away by the Congress, but we've made no effort on any of the other 6,300 earmarks in the bill. We need to do so.

The Secretary of Transportation had indicated earlier this summer that, if we were to take funding from the earmarks that have not yet been funded in the bill, it could relieve the pressure that we now have on the highway trust fund, but we haven't done it. Instead, we're simply saying go ahead and fund all of those transportation museums and all of those projects that have very little or nothing to do with moving people. We're saying go ahead and fund them. We'll just take the money from the Treasury now instead of from the highway trust fund. That is a very, very dangerous precedent to set. Whenever you load up a bill with 6,300 earmarks, the process of logrolling takes effect. That's why you only had, I believe, eight votes against the highway bill back in 2005 and, I think, only three votes against it in the Senate. It's because, if you lard it up enough and if you have enough buy-in, very few people will vote against it or will oppose it.

If you start taking money from the general fund and if you don't have any kind of ceiling that was provided at least by the highway trust fund, then Katy Bar the door when it comes to spending. There's no ceiling. There's no discipline. We can not get in this position where we're robbing from the general fund to fund highway projects delineated by Members of Congress but

earmarked by Members of Congress, because there will simply be no discipline on the process.

So I would urge the President to take the position that we shouldn't take money from the general fund, to veto this legislation when it comes, and I would urge the House as we prepare to reauthorize the highway bill just a year from now to take a different approach—to look at public-private partnerships and other methods—so we simply don't get in the position where we have thousands and thousands and thousands of earmarks that mean we have a bill that we can't fund and where we will again be robbing from the general fund to fund these projects.

HIGH ENERGY PRICES

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

Mr. SHIMKUS. Mr. Speaker, it's great to be back in the Chamber with the microphones on and with the lights fully ablaze and with our guests in the gallery and with cameras rolling.

For the past 5 weeks, I along with 135 of my Republican House colleagues have been on the floor, talking to our guests in the Chamber, talking about the number one issue facing America today, which is high energy prices. It was a very good exchange and a chance to not only talk about energy and where we're at and where we need to go in the future but also to visit with many of our guests here in Washington, D.C.

The major premises that we had when we left on the 1st of August are still true today. We have no comprehensive energy plan or policy. Even though gas prices might be stabilizing, they're stabilizing because the economy is going down. Eighty-four thousand jobs have been lost, all directly related to high energy costs. Think of it. In the aviation industry, in the transportation industry and in the automobile industry, those jobs have been lost because of high energy prices. So here is what we've been talking about over the past year.

Here is the problem. The problem is, when President Bush came into office, the price of a barrel of crude oil was $23. Actually, when I came into office, it was $10 a barrel. When the Democrats came in in January, it was at $58. Today—and I update this daily—the price of a barrel of crude oil is $104.13.

All we're trying to say here from our side of the aisle is this is not a good trend. This is not a direction in which we want to continue if we want to have a thriving economy, one that all of the people of our country can benefit from. I represent rural America. I represent 30 counties of southern Illinois, and it's really those in the rural communities who have to drive long distances to get to work, to get to school, to access health care; there's no public transportation; they're working in the fields; they drive big trucks. They're the ones who are harmed, I think, exponentially greater than those in major metropolitan areas. So this is not a good trend.

So what is the solution? One solution is to bring on more supply. On this chart, we identify some of those supply options that we have in this country that we fail to access, and I had a bigger chart earlier. One that we hear a lot about is the Outer Continental Shelf. We only drill and explore in 15 percent of the Outer Continental Shelf, and we don't want to just up that to, maybe, 30 percent, which are some of the proposals coming from the other side of the aisle. We want to open up the entire Outer Continental Shelf. We want all of the above. We want to open up the eastern gulf. We want to open up the eastern seaboard of the Atlantic. We want to look at what's on our west coast. We want to make sure that there are billions of barrels of oil and the trillions of cubic feet of natural gas we can find and that we can access so we can help bring on more supply, U.S. supply. When we do this, this is U.S. energy and this is U.S. jobs, which is what this country needs.

Another resource that we have is coal. The United States has more coal reserves than any country on Earth today. In Illinois alone, we have 250 years worth of recoverable coal. We should access that for electricity. In Illinois, 70 percent of our electricity is by coal-fired power plants. Nationally, as a whole, 50 percent of all electricity is generated by coal. We can take coal and turn it into liquid fuel, thus competing with gasoline, thus competing with diesel fuel, thus competing with aviation fuel by having a new commodity product to compete with crude oil. We can move to solar and wind. That's part of the solution. That is more supply. We can look at renewable fuels like biodiesel and ethanol—ethanol from corn, ethanol from cellulosic feedstocks.

The big debate here is: What do you do with the Outer Continental Shelf? Here is a bigger chart. All of this red area is off limits by our design here in the House of Representatives. We have said annually for the past 30 years ''no'' to going after oil and gas in those areas. We are at a crisis time. This debate which will be on this floor is: Do we open up a little bit more or do we open up the whole thing? My position and that of the majority of people in my country is ''all of the above.''

THE AMERICAN ENERGY ACT

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

Mr. KELLER of Florida. Mr. Speaker, I rise today to address the problem of skyrocketing gas prices. When single moms in Orlando, Florida are paying $80 to fill up their minivans, this is a crisis.

I spent my time in August touring the northern slope of Alaska to learn more about the oil drilling situation as well as touring the Florida Solar Energy Center in Central Florida where they have the cutting-edge solar energy technology of tomorrow.

The straight talk is we need a comprehensive approach to address this energy crisis. We need more drilling here in America, in both Alaska and offshore. We need more renewable energy like wind and solar. We need more conservation like hybrids and higher fuel efficiency standards for our cars. We need all of the above. That is why I am proud to be the cosponsor of the American Energy Act. It's also why the American people deserve an up-or-down vote in this Congress on the American Energy Act.

Now, those who say ''no'' to drilling completely ignore the facts. The main component of a price of gasoline is crude oil. Crude oil is a commodity governed by the law of supply and demand. Therefore, we must increase our supply of crude oil and reduce our demand. Well, where is the largest untapped source of crude oil in America? It's in Alaska, in a place called ANWR.

The critics say three things: Don't let us drill in ANWR because it's only a trivial amount of oil. It will ruin the pristine wilderness, and it will hurt the wildlife in that area, particularly the caribou and the polar bears. I went there on a factfinding mission to find out the answers to those questions myself. Let's address each one.

Is it a trivial amount of oil? I learned from our independent experts and employees of the U.S. Department of the Interior that there are 10.4 billion barrels of crude oil under the lands in ANWR. 10.4 billion barrels of oil are enough to provide all of my home State of Florida with its energy needs for 29 years. 10.4 billion barrels of oil are enough to pump 1 million barrels of oil a day every single day for the next 30 years. Does that sound like a trivial amount of oil to you?

The next thing I heard is it will ruin the pristine wilderness area. Well, I stood right here in the only village in ANWR called Kaktovik, and I looked south from the Arctic Ocean, and I didn't see any trees. It's a flat, frozen, barren tundra. It's 30 degrees in the middle of August, and it's 30 below in the winter. I sat there with the head leader from the Eskimo tribe, Mr. Fenton Rexford, and I said, ''Where are the trees?'' He says, ''Well, Congressman, there's not a tree within 100 miles of where the drilling would take place.'' So much for the pristine wilderness we hear about.

The next thing we hear is that we'll hurt wildlife. I learned from our fish and wildlife experts that, in reality, there are over 5,000 polar bears in Alaska and 800,000 caribou, and their numbers have increased every year for the past 30 years. In fact, in the current largest oil field in America, Prudhoe Bay, they started drilling in the mid-1970s. At the time, there were 3,000 caribou there. Now caribou have increased tenfold in Prudhoe Bay, and there are

over 30,000 caribou there. I saw them peacefully coexisting.

So, when you take away their real arguments and you see it firsthand that you can drill for oil and that you can do it in an environmentally friendly manner, what is the bottom line for why some of these environmental extremists don't want us to drill? Well, we don't have to guess. This is what the president of the Sierra Club says. His name is Carl Pope, executive director of the Sierra Club: ''We are better off without cheap gas.'' They don't want gas prices to go down.

Tell the single mom in Orlando who just paid 80 bucks to fill up her minivan that she is better off without cheap gas. Tell the thousands of airline employees who just lost their jobs because of skyrocketing fuel that they're better off without cheap gas. Tell the people in Orlando, Florida who are losing their jobs in the tourism industry because tourism is down that they're better off without cheap gas. Tell the small businessman who has just had to lay off his employees because he can't make the payroll anymore because of gasoline prices that he's better off without cheap gas. Tell the school districts that are having to go to 4-day-a-week school because they can't afford the gas for their buses that they're better off without cheap gas.

Let's bring some sanity back into this program. Let's have a vote, up or down, on the American Energy Act. Let's have it right now, this month, before we adjourn.

FREE TRADE AGREEMENTS

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

Mr. WELLER of Illinois. Mr. Speaker, I rise today to ask the question: Why is the House of Representatives withdrawing from trade? Why is the House of Representatives drawing away from our need to export products to good markets?

The economic statistics speak volumes. This past week, we saw 3.3 percent economic growth for the last quarter. We'd all like to see it better, but what was interesting was that, of that 3.3 percent economic growth, almost all of it, in fact 3.1 percent economic growth, resulted from trade and from exports. So the good news in the economy today is that we're expanding our exports, and if we did not have the opportunity to export products, our economy would really be in bad shape because it's the export market that's keeping this economy moving forward with manufactured goods, agricultural goods, services, and other products.

Today, we are fortunate to have 16 bilateral agreements with other nations, many in our own hemisphere in the Americas, and we're fortunate to enjoy a trade surplus with all of them. We voted on these trade agreements in the House. Those who opposed them said, you know, if we have trade agreements, we always lose. Well, the interesting thing is, with the Dominican Republic-Central America Free Trade Agreement and with the Chilean Free Trade Agreement, we've seen the results. American farmers, American manufacturers and American workers are winning because we have a trade surplus with those countries today. In fact, we had a trade deficit with Central America before DR–CAFTA, and today, we have a trade surplus. So trade agreements win.

That's why I was so concerned when a spokesman for the Speaker of the House explained her refusal to schedule a vote on the Colombian trade agreement: You know, the economy is bad and trade agreements are bad for America. We can't have a vote on a trade agreement, because somehow that hurts us.

All you have to do is look at the facts, and you'll see that trade and exports are good for America. My State and the district that I represent in Illinois are trade dependent. We depend on exports to create jobs as does the rest of America whether it's union workers who make Caterpillar bulldozers in Joliet or in Decatur or in Peoria or whether it's farmers in Bureau County who are growing corn or soybeans. We depend on our exports, on the export market, to create jobs and to raise our incomes. Frankly, it's the export market today that's the engine of economic growth. We have before this House a good trade agreement. It's the U.S.-Colombia trade agreement. ''Trade promotion agreement'' is the technical term.

Colombia is not only the oldest democracy in Latin America; it is also the second largest Spanish-speaking country, a market of 42 million consumers. It's a country that has made tremendous progress. In fact, our ally Colombia, which is a democracy, has a very popular president. President Uribe is the most popular elected president in all of the Americas. He has an over 80 percent approval rating. Compare that with the United States House of Representatives, which, I think, has a 16 percent approval rating from our own citizens. Clearly, he has made progress. He inherited a civil war. He has made progress in reducing violence. He is bringing those who committed atrocities during the civil war, on both the left and the right, to trial to be held accountable. He is going after the narco-traffickers who have jeopardized the security of that country.

It's interesting to know that 71 percent of Colombians today say they feel more secure under President Uribe while 73 percent say Uribe respects human rights. Homicides are down 40 percent. Kidnappings are down 76 percent. In fact, the murder rate in Colombia is the lowest in 15 years, and it's actually lower than that of Washington, D.C.'s. So, if you're a citizen of Colombia, you're safer than a tourist or a citizen who is walking the streets of Washington, D.C. when it comes to being a victim of violence.

The bottom line is the U.S.-Colombia trade agreement is good for America. There are those who always oppose trade, and they always have an excuse. They say, you know, in the history of Colombia, there has been some violence, and everyone acknowledges that. President Uribe and his government have made tremendous progress. Then they say, well, there has been violence against labor leaders. Yes, there has been. President Uribe and everyone involved acknowledge that, but they've made tremendous progress. The bottom line is, under President Uribe, Colombia is a safer and better place.

Colombia deserves a vote. We need to bring the U.S.-Colombia trade agreement to this floor and to vote on it up or down. I believe it will pass with a bipartisan majority, and American workers will be the winners.

RECESS

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

Accordingly (at 11 o'clock and 13 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

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

PRAYER

The Most Reverend James A. Tamayo, Bishop of the Diocese of Laredo, Texas, offered the following prayer:

Heavenly Father, in Your wisdom, You created man and woman and called us to be stewards of Your creation. As this new day begins for the Congress of the United States, we invoke Your presence in our deliberations and activities.

We represent communities from diverse parts of this great Nation. Although we travel to our Nation's Capitol from different directions, as U.S. legislators, let us be steadfast in our solidarity to seek the common path that leads to the betterment of all people in our Nation.

Noble and valiant men and women of different cultures and ethnic heritages contributed to the establishment of democracy in the United States of America. Strengthen our resolve to do good. We accept the challenge to listen to one another, to support one another, and to respond generously to those most in need.

This we pray in Your Holy Name.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House his approval thereof.

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

PLEDGE OF ALLEGIANCE

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

Mr. KIRK 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 bill of the House of the following title:

H.R. 6456. An act to provide for extensions of certain authorities of the Department of State, and for other purposes.

WELCOMING THE MOST REVEREND JAMES A. TAMAYO

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

Mr. CUELLAR. Mr. Speaker, I rise today to honor the Most Reverend James A. Tamayo, the Bishop of the Diocese of Laredo.

Bishop Tamayo has admirably served those of Catholic faith in the community of Laredo, Texas, for the past 10 years at San Agustin Cathedral, the oldest Catholic Church in south Texas. His passion for helping the religious community and his dedication to his calling has made Bishop Tamayo an essential part of the community in Laredo.

Bishop Tamayo came to heed the call of religious service by attending St. Mary's Seminary in Houston, Texas. From there, he graduated magna cum laude from the University of St. Thomas in Houston. After that, Bishop Tamayo became the Auxiliary Bishop of the Diocese of Galveston-Houston in 1993, and then went on to become Bishop of the Diocese of Laredo in 2000.

Bishop Tamayo currently serves on the Texas Board of Directors in the Texas Catholic Conference as well as the Texas Conference of Churches. He is a member of the Boy Scouts National Hispanic Initiative Committee, building upon the great relationship he has established with the youth in the interfaith community.

Mr. Speaker, I am proud to honor Bishop James A. Tamayo for his service to the Diocese of Laredo. Words cannot express how much he has done for the people of the city of Laredo and the surrounding communities. His quest to serve others and his desire to better the lives of those in Laredo is truly commendable.

I thank you for your time.

IT'S TIME FOR BALANCED AND FAIR TRADE

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

Mr. KAGEN. Mr. Speaker, I rise to bring to the country's attention something devastating that is happening in northeast Wisconsin. Our paper industry, the very industry that grew the jobs and grew the future of northeast Wisconsin, is being devastated because of unbalanced and unfair trade with Communist China, who continues to export illegal paper.

Just recently, a corporation called New Page closed the Kimberly Mill. You've heard of Kimberly-Clark and Kleenex. Well, Kimberly has had a mill since the 1890s.

I am going to present every morning and every evening the stories of real people and their real damages. And one of the families is Don Wendel and his wife, Ann, with their two children, Kathleen and Anthony. He worked there for 30 years. ''Our daughter is a junior in high school, and the thought of paying for college with this uncertain future is daunting. We may have to sell our car we bought in March. It is shocking and disheartening that the owners, instead of researching options to make this mill profitable, made a quick decision to shut it down. It's causing such great devastation for everyone in Kimberly and throughout the Fox Valley in northeast Wisconsin.''

Mr. Speaker, it's time we had balanced trade deals, not free trade.

SUPPORT NATO

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

Mr. KIRK. Mr. Speaker, our country rises to its potential when we support NATO, especially when an ally asks for help.

In August, the missile threat to our allies grew. Russia invaded Georgia and fired over a dozen ballistic missiles at her people. And Iran also tested its first space-launched rocket. In response, our Polish allies signed an agreement calling for a U.S. missile defense base. It will not only defend Europe, but also us.

Poland is a good ally, having sent 18,000 troops to Iraq, covering five provinces, and now surging support for U.S. troops in Afghanistan. But in July, the House gutted funding for the base in Poland. Without a Polish agreement, the House cut $400 million. But now that agreement has been signed. Poland's foreign minister has asked for U.S. support, especially after Russia's President Putin threatened both Poland and Ukraine.

Tomorrow I will offer a defense appropriations amendment to refund the cuts made against Poland. If the lessons of the last century are clear, we know that America has fewer problems later if we support a friend like Poland now.

A COMPREHENSIVE ENERGY PROGRAM

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

Mr. WILSON of Ohio. Mr. Speaker, for far too long our country has suffered from the effects of this administration's lack of an energy plan.

This New Direction Congress has worked hard to set new standards for energy efficiency and independence. We enacted into law the first new vehicle efficiency standards in 32 years. These standards will actually save the average family $1,000 a year.

We created a diverse portfolio of alternative fuel standards that, when combined with traditional energy sources, puts us on the right track to becoming less dependent on foreign oil. And we helped lower prices at the pump by pressuring the administration to suspend the deposit into the government reserve.

With these efforts we have made important steps. Much more needs to be done. We must come up with a more responsible energy policy that will provide relief for working families.

I believe that the solution to this problem requires Congress to focus on the Nation's efforts of encouraging innovation, while still using the abundant resources we have, like coal. I look forward to working on a comprehensive energy program this week and to make real progress for our Nation.

WE NEED AN ENERGY VOTE ON THE HOUSE FLOOR

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

Mrs. BLACKBURN. Mr. Speaker, we have all seen the dismal approval ratings the American people have given Congress. And who can blame them? My goodness, they have really grown so ill and fatigued of all the excuses they hear from our leaders. And that is why over the past 5 weeks, 137 Republicans have spoken here on the House floor in favor of American energy and in favor of solving this problem for the American people.

Although Congress was in recess and the lights were turned out and the microphones were off and the TV cameras were quiet, we brought our constituents onto this floor to demonstrate that we are willing and ready to go to work. And still, there is no vote, no vote scheduled on legislation to increase American energy development and to decrease our reliance on foreign oil.

Should Congress promote increased production of American energy? Should

we promote conservation and efficiency? Should we encourage the use of alternative and renewable fuels? The answer to all of the above is yes. That is why we need an ''all of the above'' energy strategy. We need a vote, Mr. Speaker. We need a vote on the House floor.

RECORD GAS PRICES ARE A RESULT OF BUSH AND CHENEY—TWO OIL EXECS IN THE WHITE HOUSE

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

Mr. YARMUTH. Mr. Speaker, the two people most responsible for our Nation's failed energy policy are the two oilmen in the White House—President Bush and Vice President CHENEY.

From their earliest days in the White House, they surrounded themselves with other executives from Big Oil. As Newsweek reported in 2001, ''not since the rise of the railroads more than a century ago has a single industry placed so many foot soldiers at the top of the new administration.'' And when it came to actually creating an energy policy, Vice President CHENEY met in secret with oil executives in Big Oil in the Vice President's home.

This administration admits that 95 percent of its energy policy has now been enacted, so let's take a look at exactly what it has produced. Over the past 7 years, gas prices have more than tripled, while for 5 straight years now the major oil companies have amassed close to $600 billion in profits. Meanwhile, our dependence on foreign oil has increased by 753 million barrels a year.

Mr. Speaker, House Democrats have rejected this failed policy and instead are working to pass legislation that will provide consumers relief while ending our dependence on foreign oil.

PROMOTING THE PARTNERSHIP OF INDIA AND AMERICA

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

Mr. WILSON of South Carolina. Mr. Speaker, over the weekend, the Nuclear Suppliers Group, an organization consisting of 45 nations working to reduce proliferation of nuclear weapons, announced that they had successfully implemented an agreement allowing for peaceful civilian nuclear cooperation with India. This is a great achievement for Indian Prime Minister Manmohan Singh and Ambassador to Washington Ronen Sen. There were individuals of good faith on both sides of this issue whose concerns were heard, and this latest step ends 3 years of negotiations.

The time to finalize the agreement is now. And we should recognize what a civilian nuclear agreement would mean for our Nation, for our energy needs, and for our economy. The agreement will produce stable, clean power for the people of India, promoting the strong partnership with America. This nuclear agreement will mean more prosperity through new jobs and economic growth for India and America.

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

RECORD GAS PRICES ARE A RESULT OF AN ENERGY POLICY WRITTEN BY AND FOR BIG OIL

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

Mr. SIRES. Mr. Speaker, for 8 years now Washington Republicans have allowed Big Oil to run our Nation's energy policy. The result: record profits for oil companies and record gas prices at the pump for consumers.

All summer long, this Democratic Congress offered real solutions to provide drivers some relief. We proposed legislation to curb excessive speculation which would have reduced oil prices by $20 to $30 a barrel. House Republicans said no. We proposed legislation to tap the Strategic Petroleum Reserve. When the President's father took this action back in 1991, the price of oil immediately dropped $8 a barrel. But again, House Republicans said no. We also proposed legislation that forced Big Oil to begin drilling on the 68 million acres of land they already have leases for. House Republicans once again said no.

Mr. Speaker, the record gas prices of last year are a direct result of failed Republican policies. It is time they face the facts so that we can work together and fashion some real relief at the pump.

AMERICANS WANT TO DRILL HERE, DRILL MORE, DRILL NOW

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

Mr. PENCE. Mr. Speaker, 5 weeks ago, Democrats adjourned this Congress for a 5-week paid vacation without ever giving the bipartisan majority in this House that supports comprehensive energy legislation and includes more drilling a vote. But House Republicans never left. Republicans stayed here on the House floor because we know the American people are hurting. Senior citizens, school systems, working families, small businesses and family farmers are struggling under the weight of high gasoline prices. In fact, the American people know the high cost of energy is costing American jobs.

And so now today along comes the latest iteration of a Democrat energy bill. And as Congress awaits the unveiling of their latest effort, a plea to Speaker PELOSI and the House Democrats: No gimmicks, no fig leaves, no half measures. The American people won't stand for it. The Democratic leadership must allow the bipartisan majority in this Congress that supports more drilling, more conservation, more alternatives, a fair up-or-down vote and debate.

Speaker PELOSI, respectfully, you can turn off the lights on the House floor, you can shut off the microphones, but you cannot silence the majority of the American people that want a comprehensive bill and want to drill here, drill more, drill now.

□ 1215

DEMOCRATS LOOK TO JUMP START THE BUSH ECONOMY BY PASSING SECOND ECONOMIC RECOVERY PLAN

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

Mr. JOHNSON of Georgia. Mr. Speaker, the news about the Bush economy gets worse each passing day. Just last week we learned that 84,000 more Americans lost their jobs in July, bringing the total number of job losses this year to a stunning 605,000.

Despite all this bad news, President Bush seems content to ride out the next 5 months without any action.

House Democrats recognize that middle class Americans can simply not afford to wait until next year for some real help. For 8 years now they have been forgotten by Republican economic policies that have overwhelmingly favored the wealthiest 1 percent. This month Democrats will work to enact a second economic recovery package that will help Americans who have lost their jobs or are barely making ends meet and give another boost to our economy.

Mr. Speaker, for too long Republicans have rubber-stamped the Bush economic policies that have put America in an economic hole. This month Republicans will once again have a choice: stand with the Bush/McCain plan for more of the same or take action to aid families who are struggling.

McCAIN-PALIN WILL BRING REAL CHANGE TO AMERICA

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

Mrs. MILLER of Michigan. Mr. Speaker, over the past 2 weeks, we have seen both parties' commitment to change on full display.

BARACK OBAMA had the opportunity to make an historic choice and choose HILLARY CLINTON to join his ticket. But, oh, no. The ''Old Boy Network'' won out and Senator OBAMA went back on his commitment to change and reform by choosing a Senator who has been in Washington for over three decades.

Women understand this because we have seen it before. Sometimes no matter how hard you fight or how much

support you have, someone will always stand in your way, regardless of paying lip service.

Contrast that with the choice made by Senator JOHN MCCAIN. He chose a strong woman to join with him to bring real change to Washington. From the PTA to the city council to the mayor of Wassilla to the Governor of Alaska, Sarah Palin has broken down the Old Boy Network, rooted out corruption, cut taxes, reduced spending, and brought real change to government. And now we see Senator OBAMA and his Democratic allies trying to tear her down and destroy another strong woman.

But the women of America will not be fooled and they will not be held back any longer. JOHN MCCAIN and Sarah Palin will bring change and reform to Washington and will finally shatter that seemingly unbreakable glass ceiling.

HOUSE REPUBLICANS AND BIG OIL

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

Ms. BERKLEY. Mr. Speaker, despite the disaster of the Bush-Cheney energy plan, House Republicans continue to insist on the same old energy policy that favors bigger profits and more breaks for Big Oil. Rather than working across the aisle to provide much-needed relief at the pump, House Republicans have blocked every effort to responsibly invest in renewable energy and take the one action that would have brought down gas prices immediately, releasing oil from the government's own stockpile.

This week House Republicans will have an opportunity to prove that they really do support all-of-the-above energy strategies. We hope to bring a comprehensive energy package to the House floor that promotes efficiency, conservation, invests in renewable sources of energy, and responsibly increases domestic supply by opening portions of the Outer Continental Shelf to drilling.

Mr. Speaker, House Republicans have a choice to make this week. They will stand by their own words by supporting this legislation or they will once again support Big Oil.

WITHOUT ''HONOR''

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

Mr. POE. Mr. Speaker, there has been another tragic misapplication of the word ''honor.'' In Pakistan a 17-year-old girl was killed by her parents last week because she wanted an annulment from an arranged marriage, a marriage that she was forced into when she was 9 years old. That's right, 9 years of age, the age when most girls still play on the playground, enjoy cartoons, stickers, and still play with dolls, the age when little girls are still just little girls. Instead, at 9, Saira Bibi was robbed of her childhood and compelled to become the bride of a 45-year-old male.

After turning 17, Saira wanted out of her shotgun wedding and marriage; so she filed a legal suit, and eventually a judge granted an annulment. Unfortunately, Saira was only able to enjoy her newfound freedom for moments because the very same parents who stripped her of her youth stripped her of her life. These parents hired killers who gunned down their daughter Saira as she was walking out of the courthouse in Pakistan.

This is only one example of many so-called ''honor killings'' in Pakistan recently.

Mr. Speaker, there is no honor in killing your children or murdering women in the name of religion.

And that's just the way it is.

REPUBLICAN FAILURES ON THE ECONOMY—AMERICA CANNOT AFFORD MORE OF THE SAME

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

Ms. WATSON. Mr. Speaker, with 8 straight months of job losses, the Bush economy has now shed 605,000 jobs this year. The state of our Nation's economy is a direct result of economic policies Washington Republicans have been waiting decades to implement. But it wasn't until they had control of all levels of power from 2001 to 2007 that they fully implemented their strategy. Middle class families are now paying the price.

For 7 years now President Bush and congressional Republicans have been looking out for the wealthiest few while 2.5 million more Americans are unemployed and nearly 5 million more Americans live in poverty. While the price of groceries, gasoline, and health care have all gone up, the purchasing power of a middle income salary has fallen over the last 7 years. Real wages have only grown .3 percent since 2000, compared to 7.7 percent growth during the Clinton years in the 1990s.

Mr. Speaker, middle class families fair much better economically when a Democrat inhabits the White House. The American people should support real change in November.

ASKING FOR AN UP-OR-DOWN VOTE ON ALL-OF-THE-ABOVE ENERGY PLAN

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

Mr. CARTER. Mr. Speaker, when you sit here and listen to what's been talked about, you wonder who's in charge of this House of Representatives. Well, the Democratic Party is in charge of this House of Representatives. They have the majority.

We have heard today that the Republicans blocked the Democrats' plan. How did that happen? Democrats have the majority. It must have been some of the folks on their side of the aisle thought their plan wasn't very good or else they would have passed their plan. They can pass anything they want to. The majority rules in this House.

But the reality is those things that were brought forward were brought forward without any input from the Republican side at all.

Now we hear we are going to get an energy plan today. I would be willing to bet my whole life that there is not one person who has checked with our committee chairman or anybody else. This plan is NANCY PELOSI's plan written while she was on vacation selling her book, and she has come back to deliver it to us, take it or leave it. No wonder the Republicans wonder what in the heck is going on on energy.

We ask for an up-or-down vote on the all-of-the-above energy plan that has been discussed for the last 5 weeks.

REPUBLICAN FAILURES ON THE ECONOMY—AMERICA CANNOT AFFORD MORE OF THE SAME

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

Mr. PAYNE. Mr. Speaker, Americans everywhere are feeling the pain of 8 years of Republican economic policies. Since President Bush took office in 2001, American taxpayers have witnessed the largest increase in spending under any President since the Great Depression. Thanks to a tax policy that has overwhelmingly favored the wealthiest 1 percent, President Bush has been forced to borrow more money from foreign nations like China and Japan than all 42 of his predecessors combined. Through their recklessness, the Republicans turned a healthy budget surplus left by President Clinton into one of the most dismal economic records in history.

Last week we had another reminder that the Bush economy is not producing any new jobs. In the year 2000, the Clinton economic plan created 1.4 million jobs in the first 8 months of that year. During the same period of this year, President Bush's policies have led to our economy losing over 600,000 jobs.

Middle class workers in my State of New Jersey and around the Nation are not only worried about job security, they are concerned about how to get by, when the median household income has fallen by $1,000 since President Bush took office.

We must change and turn this around.

A START TO LOWERING GAS PRICES

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

Mr. BOUSTANY. Last week a powerful hurricane hit southern Louisiana.

First I want to thank all the volunteers and workers who are helping in this recovery effort.

Hurricane Gustav, as Hurricane Ike threatens to do, highlights the importance of American energy production in the Gulf of Mexico. Dangerously, America remains just one major storm or one geopolitical act from another major hike in the price at the pump.

Gas prices affect our food prices, the economy in general, and people's pocketbooks directly.

Throughout August I joined my fellow House Republicans in urging Speaker PELOSI to bring Congress back to session to help American families struggling with dramatically high gas prices. She refused. But now we can act.

We can increase our own energy supply, become less dependent on foreign sources of oil, create good, high-paying American jobs. We can do this. Many of these energy jobs are going overseas, but we can keep them right here in America. By harnessing all of America's vast resources, we can help Americans in the short term and into the future.

Let's do the responsible thing. Let's open up parts of our deepwater coasts for energy exploration, and let's begin to reduce the price at the pump. We can take control of our energy future, which is our economic future. We can lower families' anxiety, but Congress must act to increase American energy production across the board now.

WITHOUT ACCOUNTABILITY, A DEMOCRACY WILL FAIL

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

Mr. MCDERMOTT. Mr. Speaker, for the last 2 years I have struggled with the issue of whether the House should impeach a sitting President. Next to declaring war, impeachment is the gravest matter the House of Representatives must consider. I fully understand the gut-wrenching consequences of such a national debate that could precipitate.

Yet there is one fact we cannot overlook or escape. America cannot regain its moral leadership in the world if America cannot hold its leaders accountable for their actions at home.

The allegations that could warrant impeachment keep growing. They have been illuminated in recent books, including ''The Way of the World'' by Ron Suskind; the book by Vincent Bugliosi; and the new book by Bob Woodward, ''The War Within.''

Over 5 years ago, I tried to place asterisks in the CONGRESSIONAL RECORD next to the statements about Iraq the President made to Congress. I was attacked for saying the President would mislead us into the war. But the American people ultimately learned the truth. There seems to be no end to the allegations, and we have a responsibility to investigate their authenticity. That's why I am signing onto a resolution to consider impeachment of the President. Without accountability, a democracy will fail.

THE AMERICAN PEOPLE CANNOT AFFORD TO WAIT FOR AN ALL-OF-THE-ABOVE ENERGY STRATEGY

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

Mr. MCCOTTER. Mr. Speaker, in August the high price of energy helped cost 84,000 Americans their jobs; 39,000 auto manufacturing jobs in the State of Michigan alone were reported lost.

The response of this Democratic Congress was to take a 5-week paid vacation at taxpayer expense without doing anything on the price of energy.

What we have asked for repeatedly in this Chamber, and even through the recess by taking to the floor, is for an all-of-the-above energy strategy that includes maximum American energy production, commonsense conservation, and free market green innovations. It is time for a vote on this commonsense bipartisan proposal. The American people cannot afford to wait.

Instead, we see a Speaker who had time to write a book now coming to us finding time to write a new energy proposal unilaterally.

All we ask for is a vote on existing legislation. Again, Mr. Speaker, the American people cannot afford to wait.

AMERICA NEEDS TO TAKE OUR FOREIGN POLICY IN A DRAMATICALLY NEW DIRECTION

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

Mr. PALLONE. Mr. Speaker, later this week will mark the seventh anniversary of the 9/11 terrorist attack on our Nation. In the days after 9/11, Washington and the world united to respond to that attack by going after al Qaeda in Afghanistan. It was a success. But rather than continue that quest, President Bush chose to turn his attention and the attention of our military to Iraq.

This was a huge foreign policy mistake that has stretched our military dangerously thin, left us unprepared for possible threats, damaged our credibility around the world, and allowed al Qaeda to regroup and become stronger along the Pakistan-Afghanistan border. Rather than focus on the greatest threat of terrorism along the Pakistan-Afghanistan border, the Bush administration has consistently diverted resources to Iraq.

Mr. Speaker, as we remember the 9/11 attack this week, it's important that we recognize the foreign policy failures of the last 8 years so that we don't repeat them in the future. We must also recommit ourselves to going after the terrorists where they are, and that is the Afghanistan-Pakistan border, not Iraq.

□ 1230

''ALL THE ABOVE''

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

Mr. BARRETT of South Carolina. Mr. Speaker, during August, I traveled throughout my district and heard firsthand from my constituents who are suffering due to high gasoline and diesel prices. Everywhere I went, I heard stories from individuals and businesses struggling to make ends meet. One business owner I spoke with told me, ''The recent energy crisis has definitely impacted business in a major way and, unfortunately, will ultimately affect the everyday consumers of our products as a result of higher prices.''

Mr. Medford said that significantly higher shipping, transportation, and raw material costs are causing his bottom line to rise in his business, and this causes the consumer, of course, to pay more.

Mr. Speaker, we need to take action now. Any energy legislation we consider should take advantage of an ''all-of-the-above'' approach to solving our Nation's energy problems. On behalf of Mr. Medford, countless business owners, the American consumers, and the people of the Third Congressional District in South Carolina, bring comprehensive energy legislation to the floor now.

MEDIA FAIRNESS

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

Mr. SMITH of Texas. Mr. Speaker, according to a recent Rasmussen poll, more than half of U.S. voters now think reporters are trying to hurt Governor Sarah Palin with their news coverage, while a scant 5 percent think reporters are trying to help the VP candidate with their coverage.

The encouraging development is that the American people are letting the media, from MSNBC to Us Weekly to Oprah, know that they will not stand for slanted election coverage. By sending e-mails, canceling subscriptions, and contacting advertisers, they are making their voices heard.

This is an important development. The American people know that they do have a say in the media's coverage. For all those who are dissatisfied with the election coverage, I urge you to contact your local and national media outlets and demand the highest standards of journalistic integrity.

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 at a later time.

RECOGNIZING THAT WE ARE FACING A GLOBAL FOOD CRISIS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 344) recognizing that we are facing a global food crisis, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 344

Whereas according to the United Nations, over 850,000,000 people in the world are chronically or acutely malnourished, and over 300,000,000 of these are children;

Whereas the 2000 United Nations Millennium Development Summit called for halving the proportion of hungry people in the world by the year 2015, but progress reaching this goal has been slow, and, according to the United Nations Food and Agricultural Organization, only the Latin American and Caribbean region has been reducing the prevalence of hunger quickly enough to reach this target;

Whereas every year, malnutrition caused by chronic hunger leads to the death of an estimated 5,600,000 children under 5 years old;

Whereas, according to UNICEF, an estimated 146,000,000 children, or roughly one in every four children under 5 years old, are underweight;

Whereas hunger and malnutrition weaken the immune system, and as a result treatable diseases pose a greater risk to malnourished children;

Whereas even temporary deprivation of essential nutrients can have a lasting impact on children's physical growth and intellectual potential;

Whereas children who are only mildly underweight are twice as likely to die of infectious diseases as children who are better nourished, and children who are moderately or severely underweight are 5 to 8 times more likely to die of infectious diseases;

Whereas according to a study conducted by the United Nations Food and Agriculture Organization, 45 percent of children who died after contracting measles were malnourished, as were 60 percent of children who died after contracting severe diarrhea;

Whereas chronic hunger and undernutrition can lead to growth retardation (stunting), affecting an estimated 168,000,000 children under the age of 5 in developing countries;

Whereas some 42 percent of children under the age of 5 are stunted in the least developed countries, compared to 30 percent globally;

Whereas women whose growth was stunted face ongoing health complications as adults, are more likely to have obstructed labor, are at greater risk of dying during childbirth, and are more likely to deliver children who are premature and stunted;

Whereas stunted growth has also been linked to diminished work capacity and higher propensity to diseases, including diabetes and heart disease, in adults;

Whereas the global community is currently facing a food crisis, with food prices doubling over the past 3 years and rising 65 percent between January and April 2007 alone, and the World Bank has estimated that the emergency situation could push 100,000,000 people in low-income countries deeper into poverty;

Whereas in times of food crisis, families often must cut more expensive foods, such as meat, fruit, and vegetables, from their diets, instead relying on less nutritious staples such as rice and maize, foods without the nutrients necessary for proper child growth;

Whereas, on June 3, 2008, through June 5, 2008, more than 180 countries, including more than 40 heads of state and more than 100 ministers, attended and participated in the High Level Conference on World Food Security in Rome, Italy;

Whereas at the High Level Conference on World Food Security, the participating countries pledged to increase their assistance for developing countries, in particular least developed countries and those that are most negatively affected by high food prices; and

Whereas the G8 member states declared at the 2008 Hokkaido Toyko Summit their commitment to addressing urgent needs of the most vulnerable people suffering from the global food crisis and to increasing investment in long-term agricultural development and for programs that respond to the underlying causes of food insecurity: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) in emergency situations, children have different needs than those of adults, and nutritional deficiencies disproportionately affect children;

(2) in the context of the current global food crisis, the nutritional needs of children must be a humanitarian priority; and

(3) the United States and the other G8 member states should continue to monitor the impact of the global food crisis on children and commit to increasing their assistance to respond to the global food crisis, and specifically, responding to the needs of children impacted by the global food crisis.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. JACKSON-LEE of Texas. I yield myself such time as I may consume.

Let me indicate to my friends and colleagues that I thank the chairman of the full committee on Foreign Affairs, Mr. BERMAN, and the ranking member, Congresswoman ROS-LEHTINEN, for their collaborative effort in this legislation that I am now offering today, and it is interesting that we bring this legislation to the floor of the House at a time that we have watched the Caribbean being ravaged by one hurricane after another.

One of the most unfortunate scenes or incidences that have occurred is the constant beating, if you will, of the island of Haiti, the nation of Haiti, a long-time ally and friend of the United States.

My legislation speaks to prioritization of children during the food crisis and this global food crisis that has been occurring over the last couple of months. Now, more than ever, with the ravaging of Haiti through the Hurricanes Ike and Gustav, we know that children are suffering. There are places in Haiti where rescue teams for food and water cannot even rise or locate or be able to reach. Therefore, I rise today to speak to an issue as fundamental as our basic needs as human beings, and that is the travesty that we must address. But, unfortunately, we have to do so.

We are facing a global food crisis, now compounded by natural disasters. Furthermore, this food crisis is not only having a wide impact in countries far away, but also right here at home in our hemisphere.

In a nation with plenty, many of our children are going to bed with nothing to eat. Tackling worldwide hunger is a moral imperative which threatens the political and economic stability of a multitude of developing nations. The recent dramatic increase in food prices will continue to have a destabilizing affect in already unstable regions of the world where so many lives are already vulnerable to ongoing conflicts and political turmoil.

According to the United Nations, over 850 million people in the world are chronically or acutely malnourished, and over 300 million of these are children. The statistics are both shocking and tragic. Can you imagine the impact now with the natural disasters. Globally, a child dies every 7 seconds. Malnutrition caused by chronic hunger leads to the death of an estimated 5.6 million children under 5 years old, and roughly 1 in every 4 children under 5 years old is underweight.

Rising food prices have precipitated a crisis situation. On March 20 of this year, the U.N. World Food Program made an urgent appeal to the United States and other food aid donors for an additional $500 million to fill a funding gap caused by rising food and fuel prices. Since then, this gap has expanded. It is now an estimated $755 million.

As food prices rise, children are the first to suffer. Hunger is a condition of poverty. Living below poverty puts tremendous strains on a household, giving families barely enough money to purchase healthy and nutritious foods, as well as other essentials of life. Nutrition research shows that as income goes down, the nutritional adequacy of the household's diet goes down as well.

According to the data released by the U.S. Census Bureau, 50.9 million people, or 17 percent of all Americans, if we can imagine, lived on less than 125 percent of Federal poverty level in 2007.

This is the ''borrow from Peter to pay Paul.'' This is people who probably are suffering, even with food stamps. This means they are income-eligible for most Federal nutrition programs like food stamps and other child nutrition programs. These programs can help families and children stretch their food dollars and get access to healthy foods.

To set the poverty level, the U.S. Census Bureau uses a set of income thresholds based on the Consumer Price Index. In 2007, the Federal poverty guideline for a family of four was $21,203. The new Census data shows that 37.3 million persons, or 12.5 percent of our population, lived in poverty. My friends, it is happening worldwide, including the United States of America.

Children continue to be the poorest age group in the country, with 13.3 million children, or 18 percent of all children under age 18, were poor; a larger percentage than any other group; 20.8 percent of related children under age 6 in families lived in poverty; 9.7 of all Americans 65 and over, or 3.6 million elderly, were poor; and the poverty rate for non-Hispanic whites was 8.2 percent, 24.5 for African Americans, 21.5 for Hispanics, and 10.2 for Asians.

As the Chair of the Congressional Children's Caucus, I am particularly concerned about the devastating impacts that hunger and malnutrition have on children. Mr. Speaker, I have been in the feeding camps of Africa. I have watched as they have come in trucks to be able to deliver the food. I am sympathetic, and I understand when people are hungry, but the stampede of adults stampeding past children, or even sometimes the children being used to get more food and not having it distributed, is an issue.

Lack of adequate nutrition stunts children's growth, leaves then more vulnerable to numerous diseases, and affects their ability to learn. Even temporary deprivation of essential nutrients can have a lasting impact on children's physical growth and intellectual potential. Under current conditions, more and more children face the prospect of growing up malnourished.

On May 7, with the help of 46 of my colleagues, I introduced H. Con. Res. 344, recognizing the global food crisis, the disproportionate effect rising food prices have on children, and calling for the prioritization of the nutritional needs of children.

My resolution calls for the United States and other G8 nations to continue to monitor the impact of the global food crisis on children and commit to increasing their assistance to respond to the global food crisis, and, specifically, responding to the needs of children impacted by the global food crisis.

I hope in the passage of this legislation that a statement can go forward to those who are helping in sending humanitarian aid to Haiti and others in the Caribbean that we get a focus on the children during this, if you will, this disaster.

It is important to note that along with the Global Health Caucus and the Foreign Affairs Subcommittee on Africa and Global Health, we held a briefing on the effect of the global food crisis on children. We heard from UNICEF, the World Food Programme, Save the Children, World Vision, Christian Children's Fund, and the Congressional Hunger Center, and Danny Glover, all emphasizing the importance of this issue. Therefore, I look forward to continuing to focus on this, with rising food prices, families in needs, the loss of nutrition, and yes, the amount of children that suffer.

Mr. Speaker, I think it is important to note that when we think, we should think of children who are constantly suffering, being able to have cups of milk, which emphasizes why it is important to ensure that children don't look like this who are here and around the world.

My predecessor, Congressman Mickey Leland, died in Ethiopia, as I always say, on the side of an Ethiopian mountain, because he was trying to end world hunger. In his name and those who have gone on, the Congressional Hunger Center, it is important to recognize the children.

I want to thank my colleagues, Representatives MCGOVERN, PAYNE, MCCOLLUM, and BLUMENAUER, for their work on hunger and water issues, and I ask my colleagues to support this legislation.

Mr. Speaker, I rise today to speak of an issue so fundamental to our basic needs as human beings that it is a travesty that we must address it—but unfortunately we do. We are facing a global food crisis. Furthermore, this food crisis is not only having a widespread impact in countries far away, but also right here at home and in our hemisphere.

In a nation with plenty, many of our children are going to bed with nothing to eat. Tackling worldwide hunger is a moral imperative which threatens the political and economic stability of a multitude of developing nations. The recent dramatic increase in food prices will continue to have a destabilizing effect in already unstable regions of the world where so many lives are already vulnerable to ongoing conflicts and political turmoil.

According to the United Nations, over 850 million people in the world are chronically or acutely malnourished and over 300 million of these are children. The statistics are both shocking and tragic: globally, a child dies every 7 seconds, malnutrition caused by chronic hunger leads to the death of an estimated 5,600,000 children under 5 years old, and roughly one in every four children under 5 years old is underweight.

Rising food prices have precipitated a crisis situation. On March 20 of this year, the U.N. World Food Program made an urgent appeal to the United States and other food aid donors for an additional $500 million to fill a funding gap caused by rising food and fuel prices. Since then, this gap has expanded, and is now an estimated $755 million. As food prices rise, children are the first to suffer.

Hunger is a condition of poverty. Living below poverty puts tremendous strains on a household, giving families barely enough money to purchase healthy and nutritious foods, as well as other essentials of life. Nutrition research shows that as income goes down the nutritional adequacy of the household's diet goes down as well.

According to data released by the U.S. Census Bureau, 50.9 million people, or 17 percent of all Americans, lived on less than 125 percent of the Federal poverty level in 2007. This means they are income-eligible for most Federal nutrition programs, like food stamps and other child nutrition programs. These programs can help families and children stretch their food dollars and get access to healthy foods.

To set the poverty level, the U.S. Census Bureau uses a set of income thresholds based on the Consumer Price Index. In 2007, the Federal poverty guideline for a family of four was $21,203.

The new Census data shows that 37.3 million Americans—or 12.5 percent of our population—lived in poverty in 2007. Children continued to be the poorest age group in the country: 13.3 million children, or 18 percent of all children under age 18, were poor—a larger percentage than any other age group; 20.8 percent of related children under age six in families lived in poverty; 9.7 percent of all Americans 65 and over, or 3.6 million elderly, were poor. The poverty rate for non-Hispanic whites was 8.2 percent, 24.5 percent for blacks, 21.5 percent for Hispanics, and 10.2 percent for Asians.

As Chair of the Congressional Children's Caucus, I am particularly concerned about the devastating effect that hunger and malnutrition have on children. Lack of adequate nutrition stunts children's growth, leaves them more vulnerable to numerous diseases, and affects their ability to learn. Even temporary deprivation of essential nutrients can have a lasting impact on children's physical growth and intellectual potential, and, under current conditions, more and more children face the prospect of growing up malnourished.

On May 7, 2008, with the support of 46 of my colleagues, I introduced H. Con. Res. 344, legislation recognizing the global food crisis and the disproportionate effect rising food prices have on children, and calling for the prioritization of the nutritional needs of children.

My resolution calls for the United States and the other G8 member states to continue to monitor the impact of the global food crisis on children and commit to increasing their assistance to respond to the global food crisis, and specifically, responding to the needs of children impacted by the global food crisis.

In addition, the Congressional Children's Caucus, together with the Global Health Caucus and the Foreign Affairs Subcommittee on Africa and Global Health, held a briefing on the effect of the global food crisis on children. Members of Congress heard from panelists from UNICEF, the World Food Programme, Save the Children, World Vision, Christian Children's Fund, and the Congressional Hunger Center, as well as special guest Danny Glover, to galvanize the United States Congress to take action on this important issue.

As a senior member of the Congressional Black Caucus, I will be hosting the Children Issue Forum on September 25, 2008. The panel will be on the Global Food and Water Crisis. I will again convene experts on this crisis, not only to look at how we arrived at such

disastrous food levels but how we solve this issue.

As a result of rising food prices, families throughout the world, particularly in developing nations but also here in the United States, are increasingly facing a decision between quantity and quality when buying food. With incomes stretched thinner by the day, many families must either buy significantly smaller quantities of food, or purchase less nutritious food. In times of food crisis, families face cuts in expensive foods, such as meat, fruit, and vegetables.

The loss of these nutritious foods, in favor of cheaper staples such as rice and maize, is extremely detrimental to children's development, putting them at greater risk of disease or stunted growth. The full extent of the consequences of deprivation of vital nutrients during essential stages of growth is not known. However, it is clear that once children's growth is stunted by malnutrition, they do not catch up to their peers.

While it is important that we respond to the emergency we currently face, our solutions must take a long-term view as well. We cannot simply provide increased food aid; we must address the root causes of chronic hunger by addressing systemic problems with food production and food prices in the developing world. If we do not, we risk finding ourselves facing recurring food crises in the coming years.

In the midst of this current food crisis, I am reminded of my distinguished predecessor, Congressman Mickey Leland. In 1989, Congressman Leland lost his life in Ethiopia, fighting the same battle against global hunger that we continue to face today. It is tragic that, in the year 2008, we still have not learned to draw the links between hunger, violence, and instability. I thank my colleagues Representatives MCGOVERN, PAYNE, MCCOLLUM and BLUMENAUER for their work on hunger and water issues. But we cannot leave this to only a few Members, we must all work together now, and we must find a way to win the war on hunger.

I reserve the balance of my time.

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

Mr. Speaker, today I rise in support of House Concurrent Resolution 344, which recognizes the impact that the global food crisis will have on vulnerable children in the developing world. This resolution reminds us all that the children of impoverished families are suffering even more today as a result of the rapid worldwide increase in prices of basic foods in recent months, such as wheat.

All of us are facing rising food and energy costs in our own homes and families, but for many around the world those changes are a matter of life and death. When we see newspaper photos of dying children, we see the urgency of this crisis for countless families throughout our world.

I am pleased that the President and the Congress have taken concrete steps to help poor people facing this dire reality by increasing America's food aid. Notwithstanding the challenges we face in our own communities, it is a testament to the enduring generosity of the American people that we remain the largest donor of food assistance in the world. Americans give of their wealth throughout the world, especially to people in need.

Many of the poorest people in developing countries work extremely hard to earn just a dollar or two every day, and then have to survive off that meager sum, managing somehow to find affordable food. It may be hard for some of us to imagine how difficult that is in other countries.

This resolution describes the food crisis and the many complications that children suffer as a result of lack of proper nutrition. It notes that 5½ million children under the age of 5 die each year due to malnutrition caused by chronic hunger. It reminds us that even if malnourished children don't starve to death, they face a heightened risk of dying of numerous infections, as well as lifelong impacts on their physical growth and intellectual potential.

With that in mind, this resolution states the nutritional needs of children must be a humanitarian priority in our response to the current global food crisis. I commend the gentlelady from Texas (Ms. JACKSON-LEE) for introducing this measure.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have no further speakers.

In closing, I'd like to thank my 46 cosponsors and thank my distinguished friend from Texas for his support of this legislation. As well, having no further speakers, I would like to yield back and ask my colleagues to strongly support prioritizing children and helping us to end or to solve the global food crisis and the negative impact on the world's children and American children.

Mr. CONYERS. Mr. Speaker, I rise in support of H. Con. Res. 344 today and applaud the Congress for finally recognizing the serious human, economic, and moral impact the global food crisis has had on the world community. In particular, I want to recognize the author of this bill, the Gentlewoman from Texas, Ms. SHEILA JACKSON-LEE, for her continuing advocacy on behalf of the many millions of hungry people around the world; people whose stories often go untold in our public debate.

Mr. Speaker, I strongly support the course of action proposed in this resolution. Secretary-General Ban Ki-Moon should immediately convene a taskforce, composed of the heads of the United Nations aid agencies and the World Bank, to both address this growing crisis and close the $755,000,000 funding gap for the World Food Programme. The 850,000,000 chronically or acutely malnourished human beings living on this planet demand nothing less.

If anything, the heavy toll borne by Haiti and other Caribbean nations during this hurricane season has only added to the urgency of holding such a meeting. Unless the world community crafts a serious, comprehensive aid plan that can be deployed in a quick and effective manner, the lack of access to clean water and food in these nations will lead to an untold and unacceptable loss of human life.

I also want to remind my colleagues that the global food price surge is hitting Americans here at home. According to the Department of Labor, prices for staples such as bread, milk, eggs, and flour are rising sharply, surging in the past year at double-digit rates. Milk prices, for example, increased 26 percent over the year. Egg prices jumped 40 percent. Chronic hunger and malnourishment are ailments that affect more than just the citizens of third-world foreign locales; they affect our neighbors, our children, and our parents.

In the long-term, our country must confront our contribution to this crisis. Although we have little control over sky-rocketing oil prices, we have the power to re-evaluate and improve our agricultural policy in ways that will ease the pain at the register for food consumers, both here and abroad. In particular, slashing some farm subsidies and ending de facto price controls that mainly benefit massive corporate farms would go along way towards lowering food prices. Our country can only afford to pay our farmers not to produce when prices are low and food is ample. In times like these, such subsidies may be a luxury we cannot afford.

In the meantime, I encourage the Congress to speak with one voice and endorse the multilateral engagement proposed in this resolution. While It alone wlll not solve this complex problem, it is a necessary and needed component of a successful and comprehensive strategy.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in support of H. Con. Res. 344, which recognizes that we are facing a global food crisis. And I applaud Congresswoman JACKSON-LEE for bringing needed focus to the vast and spreading hunger epidemic.

In the last 3 years, global prices for basic staples such as rice, wheat and corn are up more than 80 percent. Many trends converged on this moment to lift global food prices to historic heights. Bad weather in developing countries, a shift toward biofuels in the West, underinvestment in agriculture by international donors, and growing demand in countries like China and India all contributed to the present challenge.

The result has been devastating for the poor. In some places, there is no food. In other places, food has become unaffordable. In Haiti, desperate people—moms and dads and kids—are literally eating mud to survive. They are making cakes of clay, salt and shortening because they cannot afford real food.

Over 1 billion people already live on less than 1 dollar per day. Skyrocketing food prices are forcing 100 million more people into deep poverty, erasing decades of progress in fighting poverty and creating a moral call to action a just Nation cannot ignore. Food riots have erupted in critical countries including Pakistan, Indonesia, Egypt and Afghanistan, destabilizing governments and threatening U.S. national security.

All of America's investments in global development are undermined by the food crisis. PEPFAR's drugs won't save starving people. Programs in education and child survival are essential, but they have little impact when most basic human need goes unmet.

The United States has responded with a generous commitment of emergency food aid. Yet, emergency aid will never get us ahead of what threatens to be an enduring challenge. Some of the trends that created the crisis may

ease, but others including climate change and growing demand for food will only accelerate. Congress must recognize that the nature of international hunger has changed due to changes in the global economy and environment. We must agree a new approach is needed from our government and international partners. And we must commit to a long-term strategy that prioritizes new and substantial funding to improve agricultural productivity in developing countries.

America's investments in global agriculture declined for years while other program budgets soared. In 1985, 12 percent of all U.S. official development assistance went toward agriculture. Thirty years later in 2005, agriculture's share was only 3 percent. This shift in resources is difficult to justify since the poorest countries have rural economies. When American aid is based on the recipient country's priorities, countries ask for agricultural support. More than half of all the funds committed by the Millennium Challenge Corporation to date are targeted toward agriculture and rural infrastructure.

American foreign asistance requires a more balanced approach that recognizes food security as a necessary precondition for all successful development efforts. This is the moment when our country should reclaim its traditional leadership role in fighting global hunger. The stakes are too high for half-measures. There will be no peace, no justice, no progress in a hungry world.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res 344, 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. JACKSON-LEE of Texas. 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.

□ 1245

SENSE OF HOUSE REGARDING THE IMPORTANCE OF THE RED CROSS TO THE MILITARY

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 937) expressing the sense of the House of Representatives that the emergency communications services provided by the American Red Cross are vital resources for military servicemembers and their families, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 937

Whereas the emergency communications services provided by the American Red Cross are free for military families experiencing a crisis;

Whereas the Red Cross can provide notification of emergencies and other important events to over 1,400,000 active duty personnel, and 1,200,000 members of the National Guard and Reserves, on behalf of their family members;

Whereas in an emergency, the Red Cross reaches out to verify the emergency and provides third-party objective information to commanding officers;

Whereas the Red Cross provides timely and accurate information 7 days a week, 24 hours a day, 365 days a year, and such information can assist a commander's decision whether to release a service member from duty in order to join with his or her family in a time of hardship;

Whereas whether that service member is a reservist in 2 weeks of Arctic training in Alaska, a sailor on a ship in the Indian Ocean, or a member of an advanced team on patrol in Iraq, the Red Cross messaging system can communicate messages between family members when and where other civilian services cannot;

Whereas whether it is a birth or death notification, the Red Cross bears the emotional mission to deliver accurate and timely messages between family members;

Whereas the Red Cross ensures the delivery of the message and provides the family with the needed support until the service member returns home; and

Whereas the Red Cross provides services through 756 chapters in the United States and on 58 military installations around the world to United States Armed Forces personnel, including our troops in Kuwait, Afghanistan, and Iraq: Now, therefore, be it

Resolved, That the House of Representatives appreciates the vital emergency communications services provided by the American Red Cross between military service members and their families during emergencies or other important events.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

First let me commend my colleague from Texas, Dr. MICHAEL BURGESS, for introducing this important resolution and for his work in support of the American Red Cross. All of us have watched the American Red Cross reform itself, but we have also known that its brand name has represented the aid to help, the anchor in the time of storm.

In times of emergency and other important events, the American Red Cross has the important and at times difficult duty of notifying military servicemembers on behalf of their families about such events. The Red Cross provides critical information to commanding officers to help them decide whether to release a servicemember from duty in order to join with his or her family in time of crisis.

Regardless of whether it is a birth notice or a tragedy, such as the devastating floods in the Midwest, the Red Cross ensures the timely delivery of vitally important messages and ably provides the families of military servicemembers with the support and assistance they need until the servicemember returns home. This resolution recognizes the critical mission that the American Red Cross undertakes in providing information about these events to military servicemembers. We are all thankful to the Red Cross for carrying out this important work.

Mr. Speaker, I strongly support this resolution.

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

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

Mr. Speaker, I am proud to rise in support of House Resolution 937. This measure recognizes the vital communication services provided by the American Red Cross to U.S. servicemen and servicewomen serving overseas. Seven days a week, 24 hours a day, 365 days a year, the American Red Cross provides notification of family emergencies and other important events as to birth and death notices to our forces that are in the field in lands far away.

Whether it be in Iraq or Afghanistan or aboard a ship in the Indian Ocean, the Red Cross messaging system can communicate between members of military families where other civilian means of communication cannot. American Red Cross officials are able to verify emergencies and relay information that is critical to a commander's decision whether to release a servicemember to allow him or her to return home during a time of family hardship. In addition to providing notification, the Red Cross often provides families in crisis with support until a servicemember can return home.

I want to thank the author of this resolution, the gentleman from Texas (Mr. BURGESS), for giving us this opportunity to commend the American Red Cross for its outstanding service to our country's troops and their families. The people of the United States are grateful for the dependable support that the American Red Cross has provide us in times of crisis for the past 127 years.

I urge my colleagues to support House Resolution 937.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I reserve my time.

Mr. POE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BURGESS), the author of this resolution.

Mr. BURGESS. Mr. Speaker, I thank the gentleman for yielding. I appreciate the efforts of both of my colleagues from Texas on the Foreign Relations Committee for helping bring this resolution to the floor today so that it could be done in the time we have remaining in the United States Congress this year.

I do ask my colleagues to support House Resolution 937. This resolution expresses the sense of the House of Representatives that the emergency communications services provided by the American Red Cross are vital resources for military and servicemembers and their families.

For more than a century, the American Red Cross has provided an emergency messaging system free of charge to all military servicemembers and to their families. Through 756 chapters in the United States and on 58 military installations around the world, the American Red Cross serves over 1.4 million active duty personnel and 1.2 million members of the National Guard and Reserves with emergency communication.

Twenty-four hours a day, 7 days a week, 365 days a year, American Red Cross volunteers transmit emergency messages between military servicemembers and their families. This resource provides not only a notification system for the servicemember, but it also offers third-party verification of the emergency. In an emergency, commanders in the field rely on this unbiased third-party verification when deciding whether to release a military servicemember from their duties.

In addition to keeping more than 1,000 military families connected each day, the Red Cross delivers emergency messages regarding serious illness of a loved one or the good news on the birth of a servicemember's child or grandchild. I know this because I had personal service during my career as an obstetrician back in Texas, and I cannot tell you the number of times where the Red Cross provided this vital function.

The Red Cross emergency communications services are also available to the families of civilian personnel working overseas under contract to the Department of Defense. This service to the Armed Forces assists an active duty servicemember or veteran every 3 minutes, receives a call from someone in need every 1½ minutes, and assists those in need with one phone call placed or received every minute of every day of every year.

Today, I ask my colleagues to join me in recognizing the volunteers, the supporters, the military servicemembers and their families who rely on the American Red Cross to communicate messages in a family emergency. This vital service could not happen without the sincere support of the Red Cross and the dedication to our troops and families. I ask you to commend them by voting in support of House Resolution 937.

Mr. POE. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, in conclusion, let me say that the Red Cross has often been the comforting arm for the United States military families. I want to thank Dr. BURGESS and his cosponsors for the great work he has done on this legislation. I would like to also thank the staff of the Foreign Affairs Committee and the chairman, Mr. BERMAN, and the ranking member, ILEANA ROS-LEHTINEN.

I would also like to add on H. Con. Res. 334, the global food crisis legislation, that I would also like to thank the staff of the Foreign Affairs Committee and my staff, Johannes Tsehai, for their hard work on that.

With that, Mr. Speaker, I am prepared to ask for strong support on the legislation.

Mr. Speaker, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 937 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. JACKSON-LEE of Texas. 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.

CONDEMNING MIDEAST TV PROGRAMMING THAT INCITES VIOLENCE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1069) condemning the use of television programming by Hamas to indoctrinate hatred, violence, and anti-Semitism toward Israel in young Palestinian children, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1069

Whereas freedom of the press and freedom of expression are the foundations of free and prosperous societies worldwide and are among America's most cherished values;

Whereas with freedom of the press and freedom of expression comes the responsibility to refrain from incitement to violence and to repudiate purveyors of such incitement;

Whereas for years, media outlets in the Middle East have repeatedly published or broadcasted incitement to violence against the United States and its citizens;

Whereas Hamas is designated as a terrorist organization by both the United States and the European Union;

Whereas Hamas owns and operates al-Aqsa TV;

Whereas Hamas uses al-Aqsa TV to promote the organization's extremist and violent ideas by, inter alia, airing children's shows such as ''Tomorrow's Pioneers'' and ''Those who Excel'', the primary goal of which is to breed new anti-Israeli and anti-Western terrorists;

Whereas in April 2008 Hamas gruesomely depicted the murder of the President of the United States through the use of puppets on a children's show;

Whereas al-Aqsa TV has used popular cartoon figures to indoctrinate children and incite them toward hatred and violence, in one instance depicting a Bugs Bunny-like character declaring that he ''will finish off the Jews and eat them'';

Whereas al-Aqsa TV is currently being transmitted by satellites owned by the France-based, privately owned Eutelsat and by the Saudi Arabia-based, Arab League-owned Arabsat;

Whereas Hamas' al-Aqsa TV follows the model of Lebanese Hezbollah's al-Manar TV, which also promotes terrorism and incitement to violence against the United States and its citizens and is widely telecast throughout the Arab world via Arabsat and the Egypt-based, state-owned Nilesat;

Whereas Hezbollah launched the television station al-Manar in 1991 and has since funded and operated it as a ''station of resistance'', intending to use it as a weapon to further its goals of promoting violence against the United States and Israel;

Whereas in 2000, al-Manar launched a satellite television channel that now has an estimated daily viewership of 10,000,000 people worldwide;

Whereas al-Manar regularly broadcasts video clips that glorify insurgent attacks against American and Coalition forces in Iraq;

Whereas the United States designated al-Manar TV a Specially Designated Global Terrorist (SDGT) entity in 2006;

Whereas Press TV, Iran's English-language satellite television network, is transmitted via the satellite providers ArabSat, NileSat, AsiaSat, HotBird, HispaSat, IntelSat, and Galaxy, and is viewable in North America, South America, the Middle East, Europe, Asia, and Africa;

Whereas al-Alam TV, Iran's Arabic-language satellite television network, is transmitted via the satellite providers ArabSat, NileSat, AsiaSat, HotBird, TelStar, and Galaxy, and is viewable in North America, the Middle East, Europe, Asia, and Africa;

Whereas many Iranian state-controlled television channels have broadcast incitement to violence against United States citizens, including coverage of rallies and speeches at which Iranian leaders, clerics, children, and mass audiences have declared ''Death to America!'';

Whereas on March 6, 2008, al-Alam broadcasted a warning from an Iraqi insurgent that if the USS *Cole* was not withdrawn from off the coast of Lebanon, his group would be ''targeting all the United States interests, especially the warships [docked] in Umm Qasr beaches in southern Iraq'';

Whereas al-Zawra is presently a non-operational Iraqi satellite television channel that broadcasted during 2006 and 2007;

Whereas the Government of Iraq banned al-Zawra in November of 2006 for inciting ''violence and murder'';

Whereas multiple reports indicate that after being banned in Iraq, al-Zawra broadcast via a satellite uplink based in Syria until transmissions apparently ceased in July 2007;

Whereas al-Zawra broadcasted videos of violent attacks against American forces in Iraq depicting the destruction of humvees and armored vehicles, recruitment videos for

the Abu Bakr al-Sadiq al-Salafi Battalion of al-Qaeda in Iraq, and videos that feature prominently ''Juba'', a sniper that allegedly targeted Coalition forces and called for viewers to engage in violence against Coalition forces in Iraq;

Whereas in 2007, al-Zawra aired a program widely known as ''Hidden Camera Jihad'', a compilation of attacks filmed and executed by insurgents against Coalition forces in Iraq and accompanied by sound effects, scornful English language captions, and a ''laugh track'';

Whereas al-Rafidayn, an Arabic-language satellite television channel based in Egypt with a focus on Iraq, is broadcast via NileSat to the Middle East and North Africa, and is affiliated with the Association of Muslim Scholars, an anti-American Islamist group based in Iraq;

Whereas al-Rafidayn has repeatedly broadcast video clips produced by Sunni insurgent and terrorist groups in Iraq, and the channel's news broadcasts have frequently broadcasted videos, poems, and songs that praise those groups and their attacks on American forces in Iraq;

Whereas television channels that broadcast incitement to violence against United States citizens and others have demonstrated the ability to shift their operations to different countries and their transmissions to different satellite providers in order to continue broadcasting and to evade accountability;

Whereas television channels such as al-Aqsa, al-Manar, and al-Zawra broadcast incitement to violence against Americans and Israelis, purvey hatred against the West, and aid Foreign Terrorist Organizations in recruitment, fundraising, and propaganda;

Whereas the use of media outlets by advocates of violence against Americans poses a clear and present danger to the security of United States service members and American civilians serving throughout the Middle East; and

Whereas it is imperative for the United States to use all possible legal and diplomatic tools to counter the threats to American service and civilian personnel that result from the control or use of media outlets by SDGTs and other entities that intend to inflict violence on Americans: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the broadcast of incitement to violence and hatred against Americans, Israelis, and the West by media based in the Middle East;

(2) urges governments throughout the Middle East, American allies, and other responsible Nations to officially and publicly repudiate purveyors of hatred and incitement to violence against Americans, Israelis, and others;

(3) calls on the President to designate al-Aqsa TV a Specially Designated Global Terrorist (SDGT) entity;

(4) condemns Hamas for using children's television programming to incite hatred, violence, and anti-Semitism;

(5) demands Hamas recognize the State of Israel's right to exist, renounce the use of violence and terrorism as political goals, and accept all past peace agreements with the State of Israel;

(6) calls on Saudi Arabia, the primary shareholder in Arabsat, and on all other Arab States that own shares in Arabsat, to cease immediately the transmission of telecasts by al-Aqsa TV and al-Manar TV;

(7) calls on Egypt, which owns Nilesat, to cease immediately the transmission of telecasts by al-Rafidayn TV and al-Manar TV;

(8) calls on the owners of Eutelsat and the Government of France, which legislates what may be broadcast on satellites based in France, to cease immediately the transmission of telecasts by al-Aqsa TV;

(9) urges the President to consider designating as SDGTs satellite providers that knowingly and willingly contract with entities designated as SDGTs to broadcast their channels, or to consider implementing other punitive measures against satellite providers that transmit al-Aqsa TV, al-Manar TV, al-Rafidayn TV, or any other terrorist-owned and operated station;

(10) calls on the President to take into consideration state sponsorship of anti-American incitement to violence when determining the level of assistance to, and frequency and nature of relations with, regional States; and

(11) urges all governments and private investors who own shares in satellite companies or otherwise influence decisions about satellite transmissions to oppose transmissions of telecasts by al-Aqsa TV, al-Manar TV, al-Rafidayn TV, or any other terrorist-owned and -operated stations that similarly purvey insidiously anti-American, anti-Western, anti-Israeli, and anti-Semitic messages and openly incite their audiences to commit acts of terrorism.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Mr. Speaker, I want to commend my friend from New York, Joe Crowley, for introducing this timely and important resolution. Despite the shaky cease-fire reached between Israel and Hamas in the Gaza Strip, Hamas has neither changed its explicitly stated aim to destroy the State of Israel nor given up the use of terrorism and violence as a means to achieve that end.

But while Hamas' use of terrorism to undermine peace and destroy Israel is well understood in the West, few are aware of its sophisticated use of broadcast media to spread hatred of the United States, Israel and Jews, and to incite Palestinian youth to violence.

Hamas has had its own television station, known as al-Aqsa TV, which is telecast throughout the Arab world. Among its many crude and contemptible practices, al-Aqsa TV utilizes cartoon characters and puppets, one resembling Disney's universally recognized Mickey Mouse, in programming that advocates terrorism, anti-Americanism and anti-Semitism.

On March 30, 2008, this TV station broadcast a puppet show depicting the stabbing and murder of the President of the United States. This morally twisted type of children's programming violates all civilized norms, cynically undermines prospects for Israeli-Palestinian peace, and flagrantly violates phase I of the U.S.-backed roadmap for peace, calling for an end to incitement in Palestinian society. It even stigmatizes the Palestinian people who want peace, many of them fighting every day to ensure that there is an opportunity for collaboration and dialogue and peaceful discussion with Israel. In fact, I would imagine that children who are watching are certainly not children who are intending to grow up to be terrorists.

The resolution puts this body on record supporting the overdue designation of al-Aqsa television as a specially designated global terrorist entity. Such a designation would follow logically from the administration's designation of Hezbollah's al-Manar TV as a specially designated global terrorist entity 3 years ago. This designation proved useful in persuading a number of satellite companies around the world not to transmit al-Manar's hate-filled broadcasts. Designating Hamas' al-Aqsa TV would similarly send a strong message to satellite companies transmitting its vile programming, including one of Europe's largest satellite companies, the privately-owned, French-based Eutelsat.

In addition, this resolution calls on Saudi Arabia, the primary shareholder in the Arab League-owned satellite Arabsat, to take the lead in ending Arabsat's transmission of al-Aqsa TV, as well as Hezbollah's al-Manar TV. Thanks to Arabsat, both al-Aqsa TV and al-Manar TV are seen throughout the Middle East and beyond.

Unfortunately, our friend and ally Egypt is also involved in transmissions of hate media. Egypt's state-owned satellite, NileSat, broadcasts at least two terrorist mouthpieces, the Hezbollah station and the Iraq focused station and an Arabic language network affiliated with anti-American insurgent activity. This latter network consistently telecasts material glorifying insurgents and their attacks on American forces.

It would be especially important if our allies and friends would recognize that it is our intent to collaborate and work toward uplifting forthright, educational, politically sound conversation and dialogue. It is not our intent, of course, to control their own sovereignty, but it is important when that gets out into the world marketplace that it is civil, that it is strong, that it is democratic, that it is fair, and that it is reflective of the human dignity of all people.

It is deeply dismaying that one of our strongest allies in the region and one of the largest recipients of U.S. Foreign assistance tolerates the advocacy of attacks on Americans in Iraq on its state-controlled satellite provider.

I know that the terrorists like Hamas and Hezbollah will not soon

abandon their mass-media means of hatred and violence, but it is long past the time for all state-owned and privately-owned satellite companies around the world to cease transmitting these destructive messages that encourage the murder of Americans and Israelis.

That is why I strongly support this resolution, and I urge all my colleagues to join me in that support.

I reserve the balance of my time.

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

I strongly support House Resolution 1069, which addresses and condemns the spread of encouragement to violence against America and Americans by Middle East-based media outlets. This is not a problem in theory, Mr. Speaker. When TV channels broadcast attacks by insurgents on U.S. soldiers in Iraq or newspapers publish repeated calls for the destruction of the United States, they further endanger the security of American civilians and military personnel in the Middle East. These channels are then broadcast on satellite providers that transmit not only to the region, but as far away as Europe, Asia, Africa and even North America.

□ 1300

We must do everything we can to prevent our enemies from recruiting potential insurgents and homicidal bombers. They must be prevented, from Beirut to London to New York, who seek to shed American blood wherever and whenever they wish.

Media outlets that provide financial, material, or technological support to violent Islamic groups should be held accountable for their hate speech that incites murder of American civilians and military. Given that recipients of U.S. aid, including Egypt and Saudi Arabia, control many of the satellite providers that transmit such incitement, we should use our leverage to urge these nations to act responsibly and stop putting these calls for murder on the air of their television stations.

I again rise in very strong support of H. Res. 1069, and I urge my fellow members to do as well.

I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. It is my pleasure, Mr. Speaker, to yield 5 minutes to the distinguished gentleman from New York, the author of the legislation, Mr. CROWLEY.

Mr. CROWLEY. Mr. Speaker, I am sure I will not use all that time, and I thank the gentlelady from Texas, Ms. SHEILA JACKSON-LEE, for giving me this time on the floor. I want to thank my friend and colleague from Florida, Congressman BILIRAKIS, for his working with me to further expand the resolution that we have on the floor today to include all media outlets that promote hate and intolerance in the Middle East. This is a bipartisan resolution, and I greatly appreciate his input and his support on this legislation today.

I initially introduced this legislation in response to reports that Hamas was using and is using their television network, al-Aqsa TV, to depict violence and acts of hatred on a show called ''Tomorrow's Pioneers.'' The show has Mickey Mouse and Bugs Bunny look-alikes telling their children viewers that they will ''finish off the Jews and eat them.'' Another puppet show also on the network, as was mentioned earlier, acted out the murder of President Bush on that network.

The use of children's programming to send these kinds of messages is despicable and deplorable, and we cannot stand by and let this blatant propaganda continue because, at best, it perpetuates misinformation and, at its worst, it will serve to indoctrinate children, incite them towards hatred and violence against our ally Israel and possibly others, including the United States, and undermine efforts to firmly establish peace in the Middle East for generations to come.

Instead of promoting violence, our children should be taught to respect and accept all people, no matter their faith or their nationality.

If we are going to establish lasting peace in the Middle East, and it is all of our fervent hope that we do that, it will require far more than an end to military hostilities between warring factions. It will require the creation of an environment where people can live side by side in peace.

Today, we send a clear message to our friends and foes alike in the Middle East that we do not tolerate the indoctrination of hate in children. The next leaders of our world should not be brainwashed into hating the West and Israel.

I urge all of my colleagues to support this legislation.

Mr. POE. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BILIRAKIS), a member of the Foreign Affairs Committee.

Mr. BILIRAKIS. I want to thank the gentleman from Texas for the time.

I rise in support of House Resolution 1069, and I urge swift passage.

Along with Mr. CROWLEY's original resolution, I introduced House Resolution 1308, condemning the broadcasting of incitement of violence against Americans and the United States in Middle Eastern-based media.

I am pleased to have worked with Mr. CROWLEY in combining our two resolutions to come up with the product we have today. I am grateful that my colleagues on the House Foreign Affairs Committee, led by Chairman BERMAN and Ranking Member ILEANA ROS-LEHTINEN, in a display of bipartisanship, unanimously voted for my amendment in the nature of a substitute to House Resolution 1069.

Anti-American incitement of violence is escalating in quality and quantity, fueled by the rapid growth of satellite television throughout the Arab world. In 2008, al-Manar TV broadcast over two dozen video clips of insurgent bombings against U.S. and coalition forces in Iraq, while one of its correspondents implicitly threatened the USS *Cole* with attack. Further, Iranian state-controlled TV channels repeatedly broadcast calls for ''Death to America,'' and, we have already heard al-Aqsa TV broadcast a puppet show depicting an Arab child stabbing the President of the United States.

Instead of denouncing and addressing such incitement, many countries in the region effectively provide financial, material, or technological support to purveyors of incitement. Al-Manar and al-Aqsa, among others, are transmitting on the satellite providers Nile-Sat, controlled by the Egyptian government, and Arabsat, controlled by the Arab League. Given the dangers such incitement poses to American service and civilian personnel in the region, it is long past time for the U.S. and other responsible nations to stop this growing threat. Support of House Resolution 1069 is, therefore, critical.

Among other things, this resolution condemns the broadcast of anti-American incitement to violence and hatred against the Americans, Israelis, and the West by Middle East-based media. It urges Middle Eastern governments, U.S. allies, and other responsible nations to officially and publicly repudiate purveyors of such incitement to violence against Americans and Israelis. It calls on the President to designate al-Aqsa as a specially designated global terrorist entity, and to designate those satellite providers that contract with purveyors of incitement to violence as such. It demands that Hamas recognize Israel's right to exist, renounce violence and terrorism, and accept all past peace agreements with Israel. Most importantly, it takes into consideration state sponsorship of anti-American incitement to violence when determining our aid to and relations with regional governments.

We must stop Middle East-based media from inciting violence against us.

Mr. Speaker, again, I want to thank Mr. CROWLEY. I thank you for the time. This is an important resolution that will enhance our security and protect our soldiers and citizens overseas. I urge its passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to add for the RECORD that the author of the legislation, Congressman CROWLEY, is a member of the Foreign Affairs Committee and a member of the Ways and Means Committee.

It now gives me great pleasure to yield 2 minutes to Congresswoman Shelley Berkley, who is a member of the Veterans' Affairs Committee, the Ways and Means Committee, but a former member of the Foreign Affairs Committee.

Ms. BERKLEY. Mr. Speaker, I would like to thank the gentlelady for yielding to me and for her leadership. And I thank my colleague from New York (Mr. CROWLEY) for his leadership on this and so many other issues, and my dear friend, Mr. BILIRAKIS, who has done such a remarkable job in the time that he has been in Congress.

I rise today as a proud cosponsor of this resolution, but I am deeply troubled that it even needs to exist.

It is often said that a society can be judged by the values that they teach their children. Mr. Speaker, I am sorry to say that there is no more fitting commentary on Hamas and its principles than the shocking hate-filled television programming they broadcast to indoctrinate their children. For those who still believe, contrary to everything else, that Hamas is merely a political organization or a social organization, they should look no further than their television sets to see a Mickey Mouse look-alike teaching children how to wear explosive belts, or Bugs Bunny teaching children to kill and even eat Jews. This is absolutely outrageous uncivilized behavior. And far from laying the groundwork for peace, Hamas is sowing the seeds of yet another generation of terrorists who value martyrdom and death above all else. Instead of protecting their children, they are putting them in harm's way.

Indeed, just this weekend during a cease-fire with Israel, Arab media reported that Hamas is continuing to conduct military exercises in residential areas. It is just further troubling evidence that they are all too eager to put their children in the line of fire. Instead of teaching their children mathematics and geography or really enjoying a Mickey Mouse and a Bugs Bunny character, they teach their children how to fire missiles and maximize casualties, and using cartoon figures to do it.

I submit to you today that true peace will only come to the Middle East when terrorist organizations like Hamas stop indoctrinating their children with hate, stop treating their children as cannon fodder, and start building a positive, stable future for their children.

I urge support for this resolution.

Mr. POE. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H. Res. 1069, a resolution condemning Hamas for using a children's television program to incite hatred, violence, and anti-Semitism towards Israel and its citizens.

This hateful propaganda targeted at children by Hamas, an internationally recognized terrorist organization, cannot be tolerated and must be stopped.

Further, unless Hamas recognizes the State of Israel's right to exist, ceases incitement of hatred, and permanently disarms and dismantles its terrorist infrastructure, the United States will not work with it, nor can we expect Israel to.

Israel is our best ally, and our relationship is all the more important as our nations share a common interest in defeating the threat posed by radical Islamist terrorists, whether it is Hamas or Hezbollah.

Israel has stood bravely in the face of threats by Hamas and Hezbollah, and has the right and obligation to defend its citizens and its nation. Israel has the right to exist free from terror, and we will help defend this right.

The actions of Hamas and Hezbollah, or any other Islamist terrorist organization, to incite hatred and violence in the young will doom any real chance of peace, and it will doom citizens in the future to a continued life in hell. We have to recognize that if there is going to be peace in the Middle East, it is going to emanate from the young.

We allowed my daughter, Jeramy Alice, to watch TV only on a Saturday morning. When she watched cartoons, she was absolutely fixated on them. It is stunning to see the impact television has on the young. And to think that young children would be seeing cartoon figures that would teach anger, hate and anti-Semitism is astonishing.

It strikes me as strange that eventually Hamas and Hezbollah and the people that have supported it don't get it. If they want a better life, if they want a better future, if they love and care for their children, they will do everything to fill their children with images of love and peace, not hatred and anger.

Ms. JACKSON-LEE of Texas. Does the gentleman from Texas have any further speakers?

Mr. POE. We have no other speakers. I support the adoption of this immediately, and I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. I thank the gentleman. And let me, in supporting this legislation, indicate that there are friends that we have mentioned. And we hope that our allies such as Egypt will work with us to address what has been noted as particularly heinous comments and use of the airwaves.

Respecting our own viewpoints of protecting the first amendment, we do believe in that. But we also know that even though our law is not international law, that crying fire in a crowded theater certainly is not acceptable.

Teaching children to murder heads of states is not acceptable. Let us try to work and collaborate and point out these ills so that we can promote peace and democracy around the world. I ask my colleagues to support this legislation.

Mr. KUCINICH. Madam Speaker, H. Res. 1069 condemns the use of television programming by Hamas to incite hatred in Palestinian youth and encourage violence. Violence and hatred will not bring a just and lasting peace between Israelis and Palestinians. I do not condone the use of television programming to promote such acts; rather I strongly object to it. Similarly, I condemn an ongoing policy that seeks to punish a civilian population in an effort to undermine its political leadership.

Hamas is designated a foreign terrorist organization by the United States because they engage in violence that undermines the Arab-Israeli peace process. Hamas is a sanctioned terrorist entity by the U.S. and the international community. As such, our condemnation of all egregious and objectionable activities by Hamas is clear. Condemnation of their television programming does not make this more clear nor does it bring us closer to a viable peace.

U.S. foreign policy must promote viable solutions to the violence and hatred. It is obvious that the promotion of peaceful solutions begins with ensuring the security and basic human rights of all people. The ongoing atrocities caused by the suffering of 1.5 million people in Gaza who are subject to escalating poverty, inadequate health care and insufficient access to clean water is a clear violation of security and human rights.

The blockade of Gaza has resulted in a near total collapse of the private sector, causing an almost 80 percent unemployment rate. More than 80 percent of all Gazans now rely on emergency food aid provided by the United Nations as their primary food source. The lack of basic goods has severely deteriorated Gaza's health, economy, and social fabric.

Imposition of the blockade in response to Hamas's attacks has amounted to collective punishment. While the current crisis may be exacerbated, instigated, even perpetuated by Hamas, the responsibility for ending the humanitarian crisis does not rest solely with Hamas.

Israel has a legal duty to provide Gazans with food, clean water, electricity, and medical care. The United States enjoys a close relationship with Israel. They are one of our strongest allies. I urge this body to exert our diplomatic influence with Israel to end the humanitarian crisis in Gaza and ensure the health, safety, and security for Palestinians and Israelis. This new condition would obviate the perceived need for condemnation.

Mr. MAHONEY. Mr. Speaker, I am honored to join my good friend and colleague, Representative CROWLEY, in supporting H. Res. 1069.

I have seen the workings of Hamas firsthand on a trip to Israel. Their rockets and attacks kill innocent Israelis. And now, by using of Al-Aqsa TV programming to promote hate and violence among Palestinian children, they are poisoning another generation.

There is no place for cartoon characters telling children they "will finish off the Jews and eat them" or depictions of President Bush being murdered. Children should be taught to respect and accept all people, no matter their faith.

This blatant propaganda aims to indoctrinate children, incite hatred and violence towards Israel, and undermine efforts to establish peace in the Middle East.

At a time when the United States is working to bring peace to the region, it is incomprehensible and counterproductive to be filling Palestinian children with more hatred and fear.

If lasting peace is to be achieved, this type of anti-Semitic and anti-American propaganda must be stopped.

Today, we are sending a clear message to Hamas that this type of behavior must come to an end. I thank my colleagues for their support.

Ms. JACKSON-LEE of Texas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms.

JACKSON-LEE of Texas) that the House suspend the rules and agree to the resolution, H. Res. 1069, 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. JACKSON-LEE of Texas. 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.

RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE USS ''CONSTELLATION'' IN THE TRANSATLANTIC SLAVE TRADE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1159), recognizing the historical significance of the United States sloop-of-war *Constellation* as a surviving witness to the horrors of the Transatlantic Slave Trade and a leading participant in America's effort to end the practice.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1159

Whereas on September 17, 1787, the United States Constitution was adopted and article I, section 9 of the document declared that Congress could prohibit the importation of slaves into the United States in the year 1808;

Whereas on March 22, 1794, the United States Congress passed ''An Act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country'', thus beginning American efforts to halt the slave trade;

Whereas on May 10, 1800, Congress enacted legislation that outlawed all American participation in the international trafficking of slaves and authorized the United States Navy to seize American vessels engaged in the slave trade;

Whereas on March 2, 1807, President Thomas Jefferson signed a bill that declared the importation of slaves into the United States illegal;

Whereas on January 1, 1808, the act ''to prohibit the importation of slaves into any port or place within the jurisdiction of the United States'' took effect;

Whereas on March 3, 1819, Congress authorized the Navy to cruise the African coast to suppress the slave trade. The Act declared that Africans on captured ships be placed under Federal jurisdiction and authorized the President to appoint an agent in Africa to facilitate their return to the continent;

Whereas in 1819, the Royal Navy of Great Britain established the West Coast of Africa as a separate naval station and actively plied the waters in pursuit of slave ships. Great Britain negotiated with many other nations to obtain the right to search their vessels if suspected of engaging in the slave trade;

Whereas on May 15, 1820, Congress declared the trading of slaves to be an act of piracy and those convicted subject to the death penalty;

Whereas in 1842, the Webster-Ashburton Treaty between Great Britain and the United States provided that both nations would maintain separate naval squadrons on the coast of Africa to enforce their respective laws against the slave trade. The newly formed United States African Squadron sailed for Africa in 1843 and remained in operation until the Civil War erupted in 1861;

Whereas in 1859, USS Constellation, the last all-sail vessel designed and built by the U.S. Navy, sailed to West Africa as the flagship of the United States African Squadron, consisting of eight ships, including four steam-powered vessels suitable for chasing down and capturing slavers;

Whereas on December 21, 1859, USS Constellation captured the brig Delicia after a 10-hour chase. Although Delicia had no human cargo on board upon capture, her crew was preparing the ship to take on slaves;

Whereas on the night of September 25, 1860, USS Constellation sighted the barque Cora near the mouth of the Congo River and, after a dramatic moonlit chase, captured the slave ship with 705 Africans crammed into her ''slave deck''. A detachment of the Constellation's crew sailed the surviving Africans to Monrovia, Liberia, a colony founded for the settlement of free African-Americans that became the destination for all Africans freed on slave ships captured by the Navy;

Whereas on May 21, 1861, USS Constellation captured the brig Triton. Though the ship did not have Africans captured for slavery on board when intercepted by the Constellation, a search confirmed its preparation to take on slaves. Triton, registered in Charleston, South Carolina, was one of the first Union naval captures of the American Civil War;

Whereas from 1859 to 1861, USS Constellation and the African Squadron captured 14 slave ships and liberated nearly 4,000 Africans destined for a life of servitude in the Americas, a record unsurpassed by the United States African squadron under previous commanders; and

Whereas on September 25, 2008, the USS Constellation Museum will hold a ceremony to commemorate the bicentennial of the abolition of the Transatlantic Slave Trade aboard the same ship that, 149 years before, forced the capitulation of the slave ship Cora and freed the 705 Africans confined within: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the historical and educational significance of USS Constellation, a 153-year-old American warship, berthed in Baltimore, Maryland, as a reminder of both American participation in the slave trade and the efforts of the United States Government to suppress this inhumane practice;

(2) applauds the preservation of this historic vessel and the efforts of the USS Constellation Museum to engage people from all over the world with this vital part of our history; and

(3) supports USS Constellation as an appropriate site for the Nation to commemorate the bicentennial of the abolition of the Transatlantic Slave Trade.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this resolution and yield myself such time as I may consume.

Let me first thank Congressman Elijah Cummings for introducing this resolution honoring the USS Constellation, a 153-year-old American Warship that now is restored as a museum in the Baltimore Inner Harbor.

□ 1315

This historic ship serves as a reminder of the role that the United States Navy played in the abolition of the Transatlantic slave trade.

In 1787, our Nation began to adopt legislation to prohibit the importation of slaves to the United States and the transport of slaves from the U.S. to other parts of the Western Hemisphere. Over the next several decades, the U.S. Government joined with the British in deploying naval vessels along the African coastline to intercept slave ships, rescue kidnapped victims and place them under international jurisdiction, and return them to homelands in Africa.

Mr. Speaker, this is sometimes little known history, and I congratulate my colleague from Maryland of highlighting the fact that the good news is, even though it took long years to end slavery in the United States, they began to stop the transportation and importing of slaves, and they vigorously used the United States military in the name of the United States Navy.

The USS *Constellation* was the flagship of an eight-ship fleet that comprised the U.S. African Squadron. The Constellation captured 14 slave ships and rescued nearly 4,000 Africans from a life of forced servitude in the Americas.

Launched in 1854 from the Chesapeake Bay's Gosport Navy Yard at Portsmouth, Virginia, the USS *Constellation* served our country for 100 years before its final decommissioning in 1955, I would venture to say, a long, long time. Maybe its good work of preventing the importation of slaves allowed it to have a long life with good health.

After serving the anti-slavery effort, the USS *Constellation* was charged with chasing Confederate raiders during the Civil War, and served as a training ship for the midshipmen at the U.S. Naval Academy in Annapolis from 1871 to 1893. The ship was brought to Baltimore's Inner Harbor in 1955 and restored as the USS *Constellation* Museum.

This is a historic year, 2008, as we watch presidential politics. This legislation is an appropriate testament to the history of the United States and doing the right thing as it relates to slavery here in this country. It also incorporates our recognition of the United States Navy and the United

States military as fighting for the unity of this Nation and the promotion of equality and justice for all Americans. Ending slavery was contributing to the Constitution and the Bill of Rights that offered to say that we all are created equal.

I thank our colleague, Congressman CUMMINGS, and I rise in strong support of this resolution, because this resolution celebrates the USS *Constellation* as a historic reminder of the battle to end slavery and of the role and capabilities of the Navy's elite vessels of that era. They continue to serve us, and I strongly support the resolution.

I reserve the balance of my time.

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

I rise today in support of H. Res. 1159, which recognizes the USS *Constellation* as a surviving witness to the horrors of the Transatlantic slave trade and a significant figure in United States efforts to end that practice.

In this bicentennial year of the abolition of the Transatlantic slave trade, this body has considered a number of resolutions condemning the horrors of slavery and recognizing the efforts of those who sought to combat it. Each of these resolutions has been important, not only for the purpose of preserving our history, but also for calling attention to the fact that today, 200 years after the formal abolition of the Transatlantic slave trade, slavery still continues. It endures in those areas where traffickers are enabled to engage in their inhumane and cruel trade. It thrives where human rights are abused and tyrants rule the day.

I thank the gentleman from Maryland (Mr. CUMMINGS) for introducing this later effort to renew the charge of the United States to confront slavery in its various forms around the world while, at the same time, showing the historical significance of the USS *Constellation*.

On January 1, 1808, the act to ''prohibit the importation of slaves into any port or territory within the jurisdiction of the United States'' took effect. Eleven years later, the United States Congress authorized the Navy to cruise the coast of the African continent and take effective measures to suppress the slave trade. The USS *Constellation* served as the flagship in this effort from 1859 through 1861, leading the United States African Squadron, as it was called, as it captured 14 slave ships and liberated an estimated 4,000 Africans destined to be enslaved. Today the USS *Constellation* continues to serve as a museum and a tribute to the efforts of those who sought to end the horrors of the slave trade.

As such, this resolution specifically recognizes the historical and educational significance of the *Constellation*, and recommends it as an appropriate site for this Nation to commemorate the bicentennial of the abolition of the Transatlantic slave trade.

I urge all my colleagues to support this important resolution.

I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my pleasure to yield to the gentleman from Maryland (Mr. CUMMINGS), the chairman of the Transportation and Infrastructure Subcommittee on Coast Guard and Maritime Transportation, such time as he might consume.

Mr. CUMMINGS. I want to thank the gentlelady for yielding. And I also associate myself with her words and the words of Mr. POE.

Mr. Speaker, I rise today to express my appreciation to the members of the House Foreign Affairs Committee and the leadership for bringing this resolution to the floor.

Special acknowledgment and thanks also go to my friend and colleague, Representative GREGORY MEEK of New York, for acknowledging and appreciating the efforts and accomplishments of the *Constellation*'s crew by joining me as a lead cosponsor.

This resolution recognizes the USS *Constellation* for its role in ending the Transatlantic slave trade. The *Constellation* deserves to be recognized not only for the liberation of thousands of Africans, but also the liberation from oppression and ignorance.

As a descendent of slaves, I understand the importance of the *Constellation*'s role as a shining moment in one of the darkest points in our Nation's history. Its role in the progression of our society is only further amplified, given the political history that is currently being made today, and as Ms. JACKSON-LEE alluded to.

As the first Union Navy vessel to interdict major slave ships along the West African coast, the USS *Constellation* was a flagship for the United States Navy's African squadron from 1859 to 1861. During this time, the USS *Constellation* was used to capture 14 slave ships and liberate nearly 4,000 Africans headed towards a life deprived of freedom and unpaid labor. In fact, after a dramatic chase into the night on September 25, 1860, the USS *Constellation* was used to capture the Cora near the mouth of the Congo River. Crammed into the dark ''slave deck'' were 705 Africans.

A detachment of the *Constellation*'s crew took the surviving Africans to Monrovia, Liberia, a colony founded for the settlement of free African Americans that became the destination for all Africans freed on slave ships captured by the United States Navy.

In 1894, the *Constellation* continued its historic service as a training vessel at the U.S. Naval Academy and ended its service as the flagship of the Atlantic Fleet during World War II.

Decommissioned in 1955, the USS *Constellation* is berthed in my district and, of course, in my hometown of Baltimore at the Inner Harbor. This 153-year-old American warship was designated as a national historic landmark on May 23, 1963, and is the perfect location to commemorate the bicentennial of the abolition of the Transatlantic slave trade in the United States.

On September 25, 2008, the USS *Constellation* Museum will hold a ceremony to commemorate the history of the ship and its crew. Additionally, there will be a special program to recognize the descendents of *Constellation*'s crew who will be in attendance.

In closing, Mr. Speaker, I thank those who supported H. Res. 1159 as cosponsors, and ask that my colleagues support the adoption of this resolution to ensure that this part of American history is never forgotten.

Mr. POE. We have no other speakers. I support this legislation, and yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am delighted to yield 2 minutes to the distinguished gentleman from Tennessee, Congressman STEVE COHEN, who is a member of the Committee on the Judiciary.

Mr. COHEN. I thank Congressperson JACKSON-LEE and Congressperson CUMMINGS for their work on this resolution.

It is important that we remember our history, and we teach our history to our school children and our adults as well to know how far this country has come and where it has come from. There are things that have happened in history in this country and around the world that are not things that we are proud of. Nevertheless, we learn from them and we grow.

This is not the perfect Union that we hope it to be one day, but it is a more perfect Union each year. And amendments to the Constitution and laws have changed to make this a better country.

Earlier in this session, this Congress passed, by voice vote, an apology for slavery and Jim Crow, a long time in coming, but something that should have occurred and did occur. I hope that my colleagues in the Senate will pass the same resolution.

This is in the same vein, in remembering that this country did allow slavery for many years, and Jim Crow laws to follow. But while we did allow it, there was a time that it was outlawed, and there were efforts to suspend it and to stop it. And this ship and the people that manned the ship, captained the ship and served on the ship, did their jobs in seeing that the slave trade was defeated off the African coast.

It is appropriate that this ship be maintained as a museum and a tribute to those gentlemen and to the cause that they served, and to remind people of some of the horrors in our history, but the improvements that we have made. And I compliment Congressman CUMMINGS on bringing the resolution, and the people involved in the City of Baltimore and elsewhere in preserving the USS *Constellation*.

Ms. JACKSON-LEE of Texas. Let me thank both Mr. CUMMINGS, the author of this bill; Mr. GREG MEEKS, a member of the Foreign Affairs Committee; Mr. COHEN, and ask my colleagues to enthusiastically support this legislation

that emphasizes the importance of the United States Navy in ending the Transatlantic slave trade, H. Res. 1159.

I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 1159.

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

A motion to reconsider was laid on the table.

SUPPORTING THE VALUES AND GOALS OF THE U.S.-BRAZIL ANTI-DISCRIMINATION PACT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1254) supporting the values and goals of the ''Joint Action Plan Between the Government of the Federative Republic of Brazil and the Government of the United States of America to Eliminate Racial and Ethnic Discrimination and Promote Equality,'' signed by Secretary of State Condoleezza Rice and Brazilian Minister of Racial Integration Edson Santos on March 13, 2008, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1254

Whereas the United States and Brazil have many qualities in common, such as the rich ethnic and cultural diversity of their populations and each country's efforts to protect democracy and the civil rights and liberties of all their citizens;

Whereas the United States and Brazil share strong values of democracy, a diverse cultural demographic, and histories marred by slavery;

Whereas in comparison to the general population, minority groups in the United States and Brazil have experienced discrimination in many areas;

Whereas there is a continuing need to combat racial and ethnic discrimination and promote equality in the United States and Brazil;

Whereas the Governments of the United States and Brazil have committed to jointly seek solutions to issues affecting both countries, such as racial and ethnic discrimination and inequality;

Whereas the Department of State, Brazil's Ministry of Exterior Relations, and the Special Secretariat for the Promotion of Racial Equality began formal talks in October 2007, to negotiate areas of bilateral cooperation on combating discrimination and creating opportunities for ethnic minorities in the United States and Brazil;

Whereas, on March 13, 2008, Secretary of State Condoleezza Rice and Brazilian Minister of Racial Integration Edson Santos signed the ''Joint Action Plan Between the Government of the Federative Republic of Brazil and the Government of the United States of America to Eliminate Racial and Ethnic Discrimination and Promote Equality'', also known as the United States-Brazil Joint Action Plan Against Racial Discrimination;

Whereas the United States-Brazil Joint Action Plan Against Racial Discrimination creates the Steering Group to Promote Equality of Opportunity, which will consist of a panel of government officials from both the United States and Brazil and facilitate the exchange of information on the best practices for anti-discrimination measures and development of ideas on how to bilaterally promote racial and ethnic equality;

Whereas United States and Brazil should discuss and consider techniques and initiatives for training educators, employers, workers, administrators of justice, such as police officers, judges, and prosecutors, and other members of society, on tolerance, equality, and the elimination of all forms of discrimination;

Whereas an Advisory Board, consisting of private sector representatives, government officials, civil society members, and experts on race relations and other relevant topics, will collaborate with Steering Group members at the periodic meetings of the Steering Group, to be held alternatively in Brazil and the United States;

Whereas the Inaugural Meeting of the Steering Group to Promote Equality of Opportunity will take place September 8-10, 2008, in Brasilia, Brazil;

Whereas the Government of Brazil and the Government of the United States each will determine their country's delegate members for the United States-Brazil Steering Group;

Whereas currently, United States Government participation in initiatives of the United States-Brazil Joint Action Plan Against Racial Discrimination is supported by existing discretionary funds within the Department of State and other participating agencies;

Whereas the elimination of ethnic and racial discrimination in the United States and Brazil is an ongoing process that requires the long-term dedication of both countries;

Whereas additional resources may be needed to support future initiatives under the United States-Brazil Joint Action Plan Against Racial Discrimination to address discrimination and promote racial and ethnic equality in the long term;

Whereas the specific areas of cooperation that the United States-Brazil Joint Action Plan Against Racial Discrimination plans to address include education, communications and culture, labor and employment, housing and public accommodation, equal protection under the law and access to legal systems, domestic enforcement of antidiscrimination laws and policies, sports and recreation, health issues prevalent among minorities, access to credit and technical training, and social, historical, and cultural factors that contribute to racial and ethnic prejudices;

Whereas the Steering Group on Equality of Opportunity will address the top priority of combating discrimination and promoting equality in education at primary, secondary, vocational, undergraduate, and graduate levels;

Whereas particular programs and initiatives to be considered by the Steering Group include, but are not limited to, training programs, strengthening democratic institutions, public-private partnerships with businesses and nongovernmental organizations, workshops and seminars, exchanges of technical experts, scholarships and fellowships, cooperation with international organizations and civil society, and programs in third countries;

Whereas the United States and Brazil should support cultural exchanges between minority groups in the two countries and opportunities for the exchange of perspectives and experiences in race relations in both countries; and

Whereas the Governments of the United States and Brazil value the importance of promoting tolerance and equality by emphasizing education and promoting equal opportunities, democracy, and prosperity in both countries: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the need to promote equality and continue to work towards eliminating racial discrimination in both the United States and Brazil;

(2) commends Secretary of State Condoleezza Rice and Brazilian Minister of Racial Integration Edson Santos for signing the ''Joint Action Plan Between the Government of the Federative Republic of Brazil and the Government of the United States of America to Eliminate Racial and Ethnic Discrimination and Promote Equality'';

(3) supports the continued involvement of the Government of the United States in the bilateral partnership of the United States-Brazil Joint Action Plan Against Racial Discrimination through funding that may be designated for programs as part of this initiative;

(4) encourages the participation of the Departments of State, Labor, Justice, and Education; the Equal Employment Opportunity Commission; Congress; Federal, State, and local court systems; and other agencies in the collaborative process of the United States-Brazil Steering Group on Equality of Opportunity; and

(5) urges the involvement of the private sector, civil society, and experts on race relations and other relevant topics to be considered as part of the Steering Group Advisory Board.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Let me generally, Mr. Speaker, thank the chairman of the full committee, Mr. BERMAN, and the ranking member, Ms. ILEANA ROS-LEHTINEN, both of whom are now conducting a hearing regarding the relationship between Georgia and Russia, for their leadership on these legislative initiatives. And I want to thank the Chairs and ranking members of the subcommittees from which these legislative initiatives have come forward.

It is well noted the Foreign Affairs Committee works collaboratively together, and I guess it continues to be in the spirit of our fallen leader, Representative, former chairman, Tom Lantos.

So let me thank our colleagues, Congressman ELIOT ENGEL and DAN BURTON, the chairman and ranking member of the Western Hemisphere Subcommittee, for introducing this important resolution.

Brazil and the United States both share a history of slavery in the Americas. The legacy and residual effects of that common history remain with both our countries long after the abolishment of slavery throughout the hemisphere.

The experience of race and the phenomenon of racism has been treated and understood very differently in Brazil than it has in the United States. Brazil holds the largest and one of the most ethnically diverse and racially mixed populations in the world.

□ 1330

Historically, Brazil's multi-ethnicity has taken its own unique path, devoid of the spasms of violence and resentment that have characterized similar historical moments in the United States. In fact, in the 20th century, Brazil's tolerance and accommodation came to be known as ''racial democracy'' and became a source of great pride for its people.

Having been to Brazil on several occasions, I can attest to the fact Brazil and its people seem to be constantly working on finding racial accommodations, racial democracy.

Significant changes have taken place in the U.S. and Brazil in the issue of race and racism in the past two decades. Today, Brazilian self-identity regarding race has become more nuanced. The undeniable fact of Brazilians as a mixture of different races has run headlong into the notion of racial exclusion. To paraphrase Professor Edward E. Telles of UCLA in his book ''Race in Another America: The Significance of Skin Color in Brazil,'' Brazilians today grapple with how their society can at the same time reflect inclusiveness and the differences that make them unique.

The United States and Brazil have much to learn from each other in this realm. The ways in which our racial histories have diverged, and more recently the ways in which they have converged, offer much to share and even more to discuss.

As I mentioned, as I have traveled to Brazil, I have seen the opportunity to make everyone a Brazilian. We here are now talking about the fact that different groups want to be acknowledged for their own cultural history, and also, as we have made everyone a Brazilian, different groups have noted that only one group of those Brazilians have been able to ascend to the highest corporate ranks as well as governmental ranks.

Therefore, it is especially timely, then, that we take up this resolution recognizing how our racial histories currently affect minority communities and celebrating the goals of a joint action plan between our two governments on racial and ethnic discrimination.

This resolution supports the ''U.S.-Brazil Joint Action Plan to Eliminate Racial and Ethnic Discrimination and Promote Equality'' that was signed by Secretary Rice and Brazilian Minister of Racial Integration Edson Santos in March of this year.

The Joint Action Plan is an agreement between both governments to create opportunities for minorities in the U.S. and Brazil to become active in technical, academic, and cultural exchange programs. It creates the Steering Group to Promote Equality of Opportunity, which will consist of a panel of government officials from both the United States and Brazil to facilitate the exchange of information and the best practices for antidiscrimination measures and develop ideas on how to bilaterally promote racial and ethnic equality.

I want to applaud the Afro-Brazilians Parliamentarians of whom I've had the opportunity to meet with who have been a persistent voice in asking for this approach to avoiding discrimination and promoting affirmative action.

I also want to thank my good friend and member of the Foreign Affairs Committee, Congressman GREGORY MEEKS, who has worked on these issues and as we have traveled together to express our concern about discrimination in Brazil.

This Joint Action Plan is only one part of the expanding strategic relationship between the United States and Brazil and is a positive step in strengthening that friendship and promoting racial and ethnic equality.

Yes, we applaud racial democracy in Brazil. We applaud the race-neutral stances that they've taken, but now we applaud even more the opportunity to cite different ethnic groups and their contributions to Brazil in giving them a greater equal opportunity in Brazil.

Therefore, Mr. Speaker, I strongly support this resolution.

I reserve the balance of my time.

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

I'm pleased to rise in support of House Resolution 1254 and join my colleagues in supporting the views and goals of the Joint Action Plan signed between the United States and Brazil to eliminate racial and ethnic discrimination and promote equality. I would like to thank the gentleman from New York, Congressman ENGEL, for introducing this important measure and appreciate the efforts by his office to ensure that it was a bipartisan effort.

On March 13, 2008, Secretary of State Condoleezza Rice and Brazilian Minister of Racial Integration Edson Santos signed the ''Joint Action Plan Between the Government of the Federated Republic of Brazil and the Government of the United States of America to Eliminate Racial and Ethnic Discrimination and Promote Equality.'' This plan recognizes the commitments of our governments to promote equality and opportunity. It underscores the importance of cooperating in the promotion of human rights in order to maintain an environment of peace, democracy, and prosperity. And it also strengthens the ongoing and vital partnership we share with the country of Brazil.

Furthermore, the Joint Action Plan provides for the creation of a Steering Group to advance the understanding and exchange of information between the United States and Brazil and places a special emphasis on the role that education plays in both of our countries.

House Resolution 1254 recognizes the importance of the U.S.-Brazil Joint Action Plan and highlights the commitment of our two nations to strengthen cooperation in the pursuit of these noble goals. It also serves to underscore and further advance our commitments to democracy in that region of the world.

This increased partnership will work to further enhance our longstanding relationship with Brazil, a key partner in the Western Hemisphere, and deepen the types of friendship between our two peoples.

I applaud the proactive efforts taken by both countries in confronting the ongoing challenges of inequity, and I'm confident that the U.S.-Brazilian Joint Action Plan will only work to further strengthen the historic bonds between our two nations.

I support this legislation.

I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. I thank the gentleman's comments in support of this legislation. I, too, agree that this partnership between Brazil and the United States through our respective state departments and foreign ministers will be a great asset to creating equal opportunity in Brazil.

Therefore, Mr. Speaker, I ask that our colleagues support this legislation.

Mr. ENGEL. Mr. Speaker, I rise today in strong support of H. Res. 1254, a resolution I authored which commends the United States and Brazil for signing the Joint Action Plan to Eliminate Racial and Ethnic Discrimination and Promote Equality. And, I thank the distinguished Chairman of the Committee on Foreign Affairs HOWARD BERMAN for his leadership on this issue.

The Joint Action Plan is an important step forward in global efforts to combat the evils of racism and to stand together, as the two largest democracies in the Western Hemisphere, to promote equality for all people.

The United States and Brazil share a history of slavery in the Americas. The legacy and residual effects of that common history remain with both the United States and Brazil long after emancipation. Although the experience of race and the phenomenon of racism have been treated and understood differently in Brazil and the United States, today our paths converge. The ways in which our racial histories have diverged, and more recently the ways in which they have converged, offer a great learning opportunity for both countries.

Brazil and the United States are the two largest countries in the Western Hemisphere and have the largest Afro-descendant populations—populations which often face the most

difficult economic and social barriers. Therefore, it is highly significant that our countries are now working together. The United States and Brazil have much in common, and our large vibrant minority communities are simply another trait we share. As Chairman of the Brazil Caucus, I believe that working together to stamp out discrimination only helps to bring our countries and peoples closer together, while each nation learns from the other's success stories in fighting ethnic discrimination.

I thank my colleagues on both sides of the aisle for their support of this important resolution. Our Congress can and should play a vital role in ensuring the success of the Joint Action Plan to Eliminate Racial and Ethnic Discrimination and Promote Equality. Our partnership on the Joint Action Plan is a positive step in strengthening our friendship and promoting racial and ethnic equality.

Ms. JACKSON-LEE of Texas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 1254, as amended.

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

A motion to reconsider was laid on the table.

RECOGNIZING THE 100TH ANNIVERSARY OF THE INDEPENDENCE OF BULGARIA

Mr. BAIRD. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1383) recognizing the 100th anniversary of the independence of Bulgaria, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1383

Whereas on September 22, 1908, Bulgaria proclaimed its independence to become a full-fledged sovereign state under the name of the Kingdom of Bulgaria;

Whereas this act marked the end of a long and dedicated struggle the Bulgarian people waged against their ages-long foreign occupier, the Ottoman Empire, which conquered the medieval Bulgarian state in the 14th Century;

Whereas although liberated in 1878, Bulgaria remained divided and dependent on its formal ruler;

Whereas with the proclamation of independence 100 years ago, Bulgaria took its rightful place among the family of nations and secured for its citizens in its constitution of 1991 the right to life, freedom and property;

Whereas the Republic of Bulgaria is a democratic nation, a strong defender of freedom and human rights, and a staunch ally of the United States;

Whereas the United States established diplomatic relations with the Republic of Bulgaria on September 19, 1903;

Whereas the United States acknowledges the courage of the Bulgarian people in deciding to pursue a free, democratic, and independent Bulgaria and their steadfast perseverance in building a society based on the rule of law, respect for human rights, and a free market economy;

Whereas the people of the Republic of Bulgaria strive to preserve and continue their tradition of ethnic and religious tolerance;

Whereas the Bulgarian Parliament, the Bulgarian Orthodox Church, King Boris III, politicians, intellectuals, and citizens all played a part in the resistance to Nazi pressure to carry out the deportation of Jews living in Bulgaria by preventing the deportation of 50,000 Jews to Nazi concentration camps;

Whereas Bulgaria was the only European country during World War II to increase its Jewish population;

Whereas Bulgaria experienced its first free election after the end of the Cold War in June 1990;

Whereas North Atlantic Treaty Organization (NATO) heads of state and member governments, meeting in Prague on November 21, 2002, invited Bulgaria into NATO after verified reforms of Bulgaria's political, economic and military systems were completed in preparation for membership;

Whereas Bulgaria was accepted as a member of NATO in April 2004, and has shown determination in enacting the continued reforms necessary to be a productive, contributing member of the Alliance;

Whereas Bulgaria was welcomed into the European Union in January 2007;

Whereas the World Bank recently classified Bulgaria as one of the top 10 nations to have undertaken important economic reforms to attract business investment;

Whereas Bulgaria is the only European Union nation to be listed in the top 10 of the World Bank's classification;

Whereas Bulgaria has promoted stability in the Balkans by rendering support to Operation Allied Force and Operation Joint Guardian led by NATO, and by providing peacekeeping troops to the Stabilization Force in Bosnia and Herzegovina (SFOR) in Bosnia and Herzegovina, and to the Kosovo Force (KFOR) in Kosovo;

Whereas Bulgaria initiated a historic strengthening of military relations by inviting the United States Armed Forces to begin conducting joint exercises with its forces in Bulgaria, the first voluntary defense cooperation agreement with foreign troops throughout Bulgarian history, including the 1,300 years before its declaration of independence; and

Whereas Bulgaria has stood firmly by the United States in the cause of advancing freedom worldwide during its tenure as a nonpermanent member of the United Nations Security Council: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Republic of Bulgaria for its efforts to strengthen relations with the United States over the past 100 years;

(2) recognizes the continued contributions of Bulgaria toward bringing peace, stability, and prosperity to the region of South Eastern Europe, including its contributions to regional security and democratic stability;

(3) salutes the willing cooperation of Bulgaria and its increasingly vital role as a valuable ally in the war against international terrorism; and

(4) encourages opportunities for greater cooperation between the United States and Bulgaria in the political, military, economic, and cultural spheres.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

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

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

There was no objection.

Mr. BAIRD. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I'm delighted to support this resolution marking the 100th anniversary of the independence of Bulgaria. I would like to note my good friend Representative JOE WILSON of South Carolina for his leadership in ensuring that the House mark this important date.

Founded over 1300 years ago in 681, Bulgaria is one of the most ancient countries in the world. Often referred to as the cradle of Slavic culture, Bulgaria was the birthplace of Orpheus and Spartacus. It has given the world the Cyrillic alphabet, beautiful handicrafts, and folk music.

In September 1908, Bulgaria threw off the yoke of Ottoman occupation, proclaimed its independence, and became a sovereign state under the name of the Kingdom of Bulgaria. In the 100 years since it achieved independent statehood, Bulgaria has become a Democratic nation, a staunch ally of the United States, and an active participant in the transatlantic community.

Bulgaria joined the North Atlantic Treaty Organization, NATO, in April 2004. It has actively participated in NATO missions aimed at ensuring the security and stability of the Balkans. Bulgaria provided support for Operation Allied Force and Operation Joint Guardian and furnished peacekeeping troops to the Stabilization Force in Bosnia and Herzegovina, as well as the Kosovo Force.

Bulgaria also has been a country of strategic importance to the wars in Iraq and Afghanistan allowing the U.S. to establish bases in the country and make use of its technical facilities. Bulgaria was welcomed into the European Union in January 2007, which made the Cyrillic alphabet the third official alphabet of the Union after Latin and Greek.

Bulgaria has also sought to strengthen its ties to the United States. Bulgarians began immigrating to this country in large numbers between 1903 and 1910, seeking economic opportunities and political freedoms during a time of great turmoil on the continent. According to the United States Census of 2000, there were 63,000 people of Bulgarian descent living in the United States. They're undoubtedly making a rich contribution to the tapestry of American life.

This resolution rightly encourages opportunities for even greater collaboration between our two nations in the political, economic, military, and cultural realms.

Mr. Speaker, I ask my colleagues to join me in congratulating the Bulgarian people on the 100th anniversary of their independence and in celebrating enduring Bulgarian-American friendship.

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

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Thank you for this opportunity to speak on House Resolution 1383, a resolution recognizing the 100th anniversary of Bulgaria's independence. I want to thank the Ranking Member on the committee, Representative ILEANA ROS-LEHTINEN, and Chairman HOWARD BERMAN, in addition to Chairman ROBERT WEXLER of the Subcommittee on Europe and Ranking Member of that subcommittee, ELTON GALLEGLY of California, for their support in bringing this resolution to the floor.

I am grateful to serve as the cochair of the Bulgaria Caucus of Congress along with congresswoman ELLEN TAUSCHER of California. We work for parliamentary exchanges between Bulgaria and America, along with hosting Bulgarian officials and citizens in Washington.

The people of Bulgaria should be proud that on September 22 of this year they will celebrate 100 years of independence.

At the beginning of the 20th century, Bulgaria struggled to free itself from the Ottoman Empire. Toward the end of that century, they once again fought to emerge from beneath Totalitarianism following the defeat of Communism. Bulgaria's story is a success because of the hard work and dedication of its people. They should be proud of these accomplishments.

On a personal note, 18 years ago I had the great honor to serve as an elected observer for Bulgaria's first and free elections as a participant with the International Republican Institute. At the time, I saw a nation battling the challenges of building a democratic society based on the rule of law. Communist Totalitarianism was replaced by freedom and democracy.

Bulgarians have faced the opportunities and the difficulties associated with building a prosperous free economy.

Additionally, just last month I served and visited with American troops stationed in Bulgaria on a codel led by Congresswoman MADELEINE BORDALLO of Guam, and I am proud to report that the immense economic and diplomatic progress the people of Bulgaria have made is remarkable. We were hosted by the National Assembly Foreign Affairs Committee Chairman Solomon Passy. Chairman Passy served with great distinction as the former foreign minister of Bulgaria.

We met with former Bulgarian Minister to Greece Stephan Stoyanov, along with Prime Minister Sergei Stanishev, and National Assembly Speaker Georgi Pirinski. During my visit to Bulgaria in 2005, I was honored to be hosted by President Georgi Parvanov.

Indeed, the World Bank recently classified Bulgaria as one of the top 10 nations to have undertaken important economic reforms to attract business investment. Bulgaria, admitted to the European Union in 2007, is the only EU Nation to be listed in the top 10.

In closing, we should recognize the people of Bulgaria for their continued support in the global war on terrorism. I have visited Bulgarian troops in Afghanistan and was proud that my son, Alan, served with Bulgaria during his year of service in Iraq.

As a dynamic member of NATO since 2004 and as a nation of free and democratic people, Bulgaria has stood with America in these difficult times. The partnership with America has never been stronger, built by Bulgaria's ambassador to the United States, Elena Poptodorova.

So today we recognize this immense achievement of theirs and commend them on 100 years of independence.

Again, I want to thank Chairman BERMAN, Ranking Member ROS-LEHTINEN, subcommittee Chairman WEXLER and subcommittee Ranking Member GALLEGLY for their work today.

I yield back the balance of my time.

Mr. BAIRD. I would echo the thanks and congratulate the gentleman on a successful resolution.

Mr. BOOZMAN. Mr. Speaker, I rise today in support of House Resolution 1383, and I commend our colleague, Mr. JOE WILSON of South Carolina, for introducing it. I appreciate Mr. WILSON's formation of the Bulgaria Cancus to promote the partnership of Bulgaria and America. Bulgaria declared its independence 100 years ago, on September 22nd, 1908.

Like so much of the rest of Europe, however, Bulgaria then suffered through a very difficult and tumultuous 20th Century.

After suffering through two world wars, Bulgaria was then trapped for over four decades behind the "Iron Curtain" that fell across Eastern Europe, and its people suffered from the repression and stagnation that accompanied the imposition of the Bulgarian communist regime by the former Soviet Union.

After the communist bloc in Eastern Europe fell apart, Bulgaria was at last able to hold a truly free election in June 1990.

It then faced fresh difficulties, however, as it went through a period of social and economic turmoil that culminated in a severe economic an financial crisis in 1996 and 1997.

With the help of the international community, the Bulgarian government initiated a series of difficult but necessary economic reforms.

Those reforms continue even today, but their results so far have helped Bulgaria noticeably improve its economic situation.

In fact, according to the World Bank, in 2006 Bulgaria attracted the highest levels of foreign direct investment—as a share of GDP—of all of the countries of Eastern Europe.

Challenges remain, but the market reforms undertaken so far have pointed Bulgaria in the right direction.

Bulgaria must also be commended for the political reforms it has implemented since 1990.

Right at the start, in 1991, the country adopted a new constitution, which created a parliamentary democracy that limited the powers of the President and also balanced those powers against the position of the Prime Minister—with the Prime Minister ultimately held accountable to the legislature.

So, Bulgaria has made progress toward a future of democracy and economic prosperity, but it nevertheless faces continuing challenges, including a rather serious problem in the form of corruption and organized crime.

We remain supportive of Bulgaria's efforts to address those twin scourges, and I note that, in the wake of very strong concerns expressed by the European Union, the Bulgarian government has indeed begun to reform its Interior Ministry and has created a State Agency for National Security to fight such corruption and organized crime.

We certainly wish it great success in that specific effort.

Finally, I note that, while continuing with its reform efforts at home, Bulgaria has also become an active member of the international community, contributing military personnel to participate in international missions in the countries of Cambodia, Bosnia and Herzegovina, Kosovo, Afghanistan and Iraq.

Furthermore, in a very important step in March 2004, Bulgaria became a formal ally of the United States by becoming a member of the North Atlantic Treaty Organization—NATO.

In its new role—as a member of the NATO Alliance—Bulgaria has proven itself to be a constructive and positive force in working for stability in the Black Sea region, and we are grateful for that.

This year, on the occasion of its 100th anniversary as an independent state, we commend Bulgaria on the great progress it hade in just the past eighteen years.

I ask my colleagues to join me in supporting this resolution honoring the independence of our friend and ally, Bulgaria.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and agree to the resolution, H. Res. 1383, as amended.

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

A motion to reconsider was laid on the table.

□ 1345

COMMEMORATING BHUTAN'S PARTICIPATION IN THE SMITHSONIAN FOLKLIFE FESTIVAL

Mr. BAIRD. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1307) 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, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1307

Whereas Bhutan is a nation cloistered among some of the highest peaks in the eastern Himalayas and has for hundreds of years served as a sanctuary for the rich and unique Bhutanese culture;

Whereas Bhutan hosts some of the most pristine and biologically diverse natural environments in the modern world, owing to the agrarian society's unique farming traditions that are rooted in a deep appreciation for the land and humble devotion to its protection;

Whereas Bhutan participated in the 2008 Smithsonian Folklife Festival and shared with the people of the United States many aspects of its unique culture and traditions, including its special approach towards life, described in national policy as the pursuit of ''Gross National Happiness'';

Whereas Bhutan was only in recent decades accessible by road and airplane but is now sharing with people throughout the world its special cultural traditions that include 13 traditional arts, zorig chusum, monastic dancers who perform ritual dances from sacred tsechus festivals, and weavers who create some of the most coveted textiles in the world;

Whereas Bhutan is transitioning to a parliamentary democracy, owing to the leadership of King Jigme Singye Wangchuck, who abdicated his throne on December 14, 2006, and his son King Jigme Khesar Namgyel Wangchuck, who is committed to conducting parliamentary elections; and

Whereas King Jigme Singye Wangchuck devolved all executive authority from the throne to the cabinet in 1998, initiated the process of drafting a constitution in 2001, ordered by royal decree an end to Bhutan's absolute monarchy and the establishment of a parliamentary democracy in 2008, and issued to the people of Bhutan a historic document, or tsathrim, stating that ''Bhutan is a sovereign Kingdom and the Sovereign power belongs to the people of Bhutan'': Now, therefore, be it

Resolved, That the United States House of Representatives—

(1) commemorates Bhutan's participation in the 2008 Smithsonian Folklife Festival;

(2) recognizes the important cultural, artistic, agricultural, and environmental achievements of Bhutan and the Bhutanese people;

(3) commends the Bhutanese people, the Government of the Kingdom of Bhutan, and His Majesty King Jigme Khesar Namgyel Wangchuck for their commitment to conducting parliamentary elections and transitioning from an absolute monarchy to a parliamentary democracy; and

(4) remains committed to working with Bhutan, should it so desire, to foster cultural exchange and to assist in promoting democratic reform.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. BAIRD) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

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

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

There was no objection.

Mr. BAIRD. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I am very pleased to be here today to speak in support of H. Res. 1307, 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.

I want to pay special thanks to my colleague FRED UPTON for his assistance with this legislation as well.

I had the honor of visiting the Kingdom of Bhutan in August of 2006. It is truly a magnificent and beautiful country with delightful people. I am proud to have authored this resolution and urge its passage.

Throughout modern history, Bhutan has been one of the most geographically isolated nations in the world. Nestled among the highest peaks in the eastern Himalayas, Bhutan was inaccessible by road, rail, and air throughout the greater portion of the 20th century.

This unique seclusion fostered in Bhutan a distinctive culture marked by rich artistic tradition, deep spirituality, and an agrarian heritage emphasizing conservation and environmental stewardship.

Bhutan has adopted a principle to guide its development and preserve its rich cultural heritage—the principle of ''gross national happiness,'' or as the King informed us, contentment. This unique philosophy, enshrined as Bhutan's national objective by King Jigme Singye Wanghuck in 1982, measures progress not only in terms of economic gains or technological achievement, but as a complete balance of many important factors encompassing the well-being and prosperity of the communities and individuals who make up the kingdom.

The pursuit of gross national happiness promotes Bhutanese cultural values as the key to the nation's development and has enabled Bhutan to progress in the modern world while maintaining its commitment to itself. By respecting these traditions, Bhutan has preserved not only its culture but its pristine national environment and enabled the kingdom to remain one of the most biologically diverse ecosystems on the planet.

As Bhutan continued on its careful path of development under the leadership of King Jigme Wangchuck, the kingdom began to pursue political reforms. In 2008, Bhutan observes an important milestone and celebrates a historical achievement: 2008 marks not only the 100th anniversary of the kingdom's monarchy but also the dawn of Bhutan's emergence as a democratic constitutional monarchy.

This process of democratization began in 1998 when King Wangchuck devolved executive authority from the throne to the cabinet and initiated the drafting of a constitution by royal decree.

On December 14, 2006, King Wangchuck honored his pledge and abdicated the throne, abolished Bhutan's absolute monarchy, and transferred the throne to his son, Jigme Khesar Namgyel Wangchuck.

The new King has continued to oversee the democratization of his country. In March of 2008, Bhutan held its first parliamentary elections, embarking on the final step in its decade-long transition to full constitutional democracy. There are plans for a grant coronation in November of this year. At that time, Bhutan's first constitutional monarch will formally ascend to the throne.

H. Res. 1307 recognizes the political achievements of the Kingdom of Bhutan and commends the people and the leadership of the kingdom for their ability to pursue development while serving the nation's gross national happiness. We also commemorate the participation of Bhutan at the 2008 Folklife Festival, marking a unique opportunity for thousands of Americans to appreciate the Bhutanese culture that continues to flourish along Bhutan's path of development.

I urge passage of the resolution.

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

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 1307, a resolution commemorating Bhutan's participation in the 2008 Smithsonian Folklife Festival and commending the people and leaders of that isolated and mountainous country for their commitment to democratic reform.

Mr. Speaker, the Kingdom of Bhutan, called by its people ''the Land of the Thunder Dragon,'' is one of the most hauntingly beautiful and remarkable countries in the world.

If the diversity of its peoples, geography, and ecosystems weren't enough to make Bhutan stand out, this traditional society is also experiencing an extraordinary political evolution.

Due to the perceptive policies of its two most recent rulers, Bhutan has been transformed from one of the world's most reclusive poor countries to one of its more enlightened. The economy has grown at an average annual rate of 7 percent over the past 25 years. With huge investments in public health, life expectancy rose during the King's reign from 40 to 66. During the 1990s, the primary school enrollment rate rose by over a quarter to 72 percent.

This March, Bhutan held successful elections for the lower house of parliament. This event, which built upon the historic and peaceful elections for the upper house of parliament in December 2007, marked another positive

step in Bhutan's transition to a democratic, constitutional monarchy.

Mr. Speaker, I urge support for this well-crafted and noncontroversial resolution.

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

Mr. BAIRD. Mr. Speaker, I thank my colleague for his kind words. It is truly a marvelous story, the development of Bhutan into a democratic monarchy. The effort of the King and his son and the entire Bhutanese people is really astonishing and a great story to tell. It is also a remarkably beautiful country.

So I would urge passage of this.

I have no further speakers at this time, and I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield back the balance of my time and commend my colleague from Washington State.

Mr. BAIRD. I thank the gentleman. With that, I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BAIRD) that the House suspend the rules and agree to the resolution, H. Res. 1307, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BAIRD. 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.

PERMISSION FOR COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM TO FILE SUPPLEMENTAL REPORT ON H.R. 6322, PUBLIC CHARTER SCHOOLS HOME RULE ACT OF 2008

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be authorized to file a supplemental report to accompany H.R. 6322.

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

There was no objection.

GOVERNMENT ACCOUNTABILITY OFFICE ACT OF 2008

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5683) to make certain reforms with respect to the Government Accountability Office, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Government Accountability Office Act of 2008''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 31, United States Code.

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

Sec. 1. Short title; references; table of contents.
Sec. 2. Provisions relating to future annual pay adjustments.
Sec. 3. Pay adjustment relating to certain previous years.
Sec. 4. Lump-sum payment for certain performance-based compensation.
Sec. 5. Inspector General.
Sec. 6. Reimbursement of audit costs.
Sec. 7. Financial disclosure requirements.
Sec. 8. Highest basic pay rate.
Sec. 9. Additional authorities.

SEC. 2. PROVISIONS RELATING TO FUTURE ANNUAL PAY ADJUSTMENTS.

(a) IN GENERAL.—Section 732 is amended by adding at the end the following:

''(j)(1) For purposes of this subsection—

''(A) the term 'pay increase', as used with respect to an officer or employee in connection with a year, means the total increase in the rate of basic pay (expressed as a percentage) of such officer or employee, taking effect under section 731(b) and subsection (c)(3) in such year;

''(B) the term 'required minimum percentage', as used with respect to an officer or employee in connection with a year, means the percentage equal to the total increase in rates of basic pay (expressed as a percentage) taking effect under sections 5303 and 5304–5304a of title 5 in such year with respect to General Schedule positions within the pay locality (as defined by section 5302(5) of title 5) in which the position of such officer or employee is located;

''(C) the term 'covered officer or employee', as used with respect to a pay increase, means any individual—

''(i) who is an officer or employee of the Government Accountability Office, other than an officer or employee described in subparagraph (A), (B), or (C) of section 4(c)(1) of the Government Accountability Office Act of 2008, determined as of the effective date of such pay increase; and

''(ii) whose performance is at least at a satisfactory level, as determined by the Comptroller General under the provisions of subsection (c)(3) for purposes of the adjustment taking effect under such provisions in such year; and

''(D) the term 'nonpermanent merit pay' means any amount payable under section 731(b) which does not constitute basic pay.

''(2)(A) Notwithstanding any other provision of this chapter, if (disregarding this subsection) the pay increase that would otherwise take effect with respect to a covered officer or employee in a year would be less than the required minimum percentage for such officer or employee in such year, the Comptroller General shall provide for a further increase in the rate of basic pay of such officer or employee.

''(B) The further increase under this subsection—

''(i) shall be equal to the amount necessary to make up for the shortfall described in subparagraph (A); and

''(ii) shall take effect as of the same date as the pay increase otherwise taking effect in such year.

''(C) Nothing in this paragraph shall be considered to permit or require that a rate of basic pay be increased to an amount inconsistent with the limitation set forth in subsection (c)(2).

''(D) If (disregarding this subsection) the covered officer or employee would also have received any nonpermanent merit pay in such year, such nonpermanent merit pay shall be decreased by an amount equal to the portion of such officer's or employee's basic pay for such year which is attributable to the further increase described in subparagraph (A) (as determined by the Comptroller General), but to not less than zero.

''(3) Notwithstanding any other provision of this chapter, the effective date of any pay increase (within the meaning of paragraph (1)(A)) taking effect with respect to a covered officer or employee in any year shall be the same as the effective date of any adjustment taking effect under section 5303 of title 5 with respect to statutory pay systems (as defined by section 5302(1) of title 5) in such year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to any pay increase (as defined by such amendment) taking effect on or after the date of the enactment of this Act.

SEC. 3. PAY ADJUSTMENT RELATING TO CERTAIN PREVIOUS YEARS.

(a) APPLICABILITY.—This section applies in the case of any individual who, as of the date of the enactment of this Act, is an officer or employee of the Government Accountability Office, excluding—

(1) an officer or employee described in subparagraph (A), (B), or (C) of section 4(c)(1); and

(2) an officer or employee who received both a 2.6 percent pay increase in January 2006 and a 2.4 percent pay increase in February 2007.

(b) PAY INCREASE DEFINED.—For purposes of this section, the term ''pay increase'', as used with respect to an officer or employee in connection with a year, means the total increase in the rate of basic pay (expressed as a percentage) of such officer or employee, taking effect under sections 731(b) and 732(c)(3) of title 31, United States Code, in such year.

(c) PROSPECTIVE EFFECT.—Effective with respect to pay for service performed in any pay period beginning after the end of the 6-month period beginning on the date of the enactment of this Act (or such earlier date as the Comptroller General may specify), the rate of basic pay for each individual to whom this section applies shall be determined as if such individual had received both a 2.6 percent pay increase for 2006 and a 2.4 percent pay increase for 2007, subject to subsection (e).

(d) LUMP-SUM PAYMENT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall, subject to the availability of appropriations, pay to each individual to whom this section applies a lump-sum payment. Subject to subsection (e), such lump-sum payment shall be equal to—

(1)(A) the total amount of basic pay that would have been paid to the individual, for service performed during the period beginning on the effective date of the pay increase for 2006 and ending on the day before the effective date of the pay adjustment under subsection (c) (or, if earlier, the date on which the individual retires or otherwise ceases to be employed by the Government Accountability Office), if such individual had received both a 2.6 percent pay increase for 2006 and a 2.4 percent pay increase for 2007, minus

(B) the total amount of basic pay that was in fact paid to the individual for service performed during the period described in subparagraph (A); and

(2) increased by 4 percent of the amount calculated under paragraph (1).

Eligibility for a lump-sum payment under this subsection shall be determined solely on the basis of whether an individual satisfies the requirements of subsection (a) (to be considered an individual to whom this section applies), and without regard to such individual's employment status as of any date following the date of the enactment of this Act or any other factor.

(e) CONDITIONS.—Nothing in subsection (c) or (d) shall be considered to permit or require—

(1) the payment of any rate (or portion of the lump-sum amount as calculated under subsection (d)(1) based on a rate) for any pay period, to the extent that such rate would be (or would have been) inconsistent with the limitation that applies (or that applied) with respect to such pay period under section 732(c)(2) of title 31, United States Code; or

(2) the payment of any rate or amount based on the pay increase for 2006 or 2007 (as the case may be), if—

(A) the performance of the officer or employee involved was not at a satisfactory level, as determined by the Comptroller General under paragraph (3) of section 732(c) of such title 31 for purposes of the adjustment under such paragraph for that year; or

(B) the individual involved was not an officer or employee of the Government Accountability Office on the date as of which that increase took effect.

As used in paragraph (2)(A), the term ''satisfactory'' includes a rating of ''meets expectations'' (within the meaning of the performance appraisal system used for purposes of the adjustment under section 732(c)(3) of such title 31 for the year involved).

(f) RETIREMENT.—

(1) IN GENERAL.—The portion of the lump-sum payment paid under subsection (d) to an officer or employee as calculated under subsection (d)(1) shall, for purposes of any determination of the average pay (as defined by section 8331 or 8401 of title 5, United States Code) which is used to compute an annuity under subchapter III of chapter 83 or chapter 84 of such title—

(A) be treated as basic pay (as defined by section 8331 or 8401 of such title); and

(B) be allocated to the biweekly pay periods covered by subsection (d).

(2) CONTRIBUTIONS TO CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(A) EMPLOYEE CONTRIBUTIONS.—The Government Accountability Office shall deduct and withhold from the lump-sum payment paid to each employee under subsection (d) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, if the portion of the lump-sum payment as calculated under subsection (d)(1) had been additionally paid as basic pay during the period described under subsection (d)(1) of this section; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period.

(B) AGENCY CONTRIBUTIONS AND PAYMENT TO THE FUND.—Not later than 9 months after the Government Accountability Office makes the lump-sum payments under subsection (d), the Government Accountability Office shall pay into the Civil Service Retirement and Disability Fund—

(i) the amount of each deduction and withholding under subparagraph (A); and

(ii) an amount for applicable agency contributions under section 8334 or 8423 of title 5, United states Code, based on payments made under clause (i).

(g) EXCLUSIVE REMEDY.—This section constitutes the exclusive remedy that any individuals to whom this section applies (as described in subsection (a)) have for any claim that they are owed any monies denied to them in the form of a pay increase for 2006 or 2007 under section 732(c)(3) of title 31, United States Code, or any other law. Notwithstanding any other provision of law, no court or administrative body, including the Government Accountability Office Personnel Appeals Board, shall have jurisdiction to entertain any civil action or other civil proceeding based on the claim of such individuals that they were due money in the form of a pay increase for 2006 or 2007 pursuant to such section 732(c)(3) or any other law.

SEC. 4. LUMP-SUM PAYMENT FOR CERTAIN PERFORMANCE-BASED COMPENSATION.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall, subject to the availability of appropriations, pay to each qualified individual a lump-sum payment equal to the amount of performance-based compensation such individual was denied for 2006, as determined under subsection (b).

(b) AMOUNT.—The amount payable to a qualified individual under this section shall be equal to—

(1) the total amount of performance-based compensation such individual would have earned for 2006 (determined by applying the Government Accountability Office's performance-based compensation system under GAO Orders 2540.3 and 2540.4, as in effect in 2006) if such individual had not had a salary equal to or greater than the maximum for such individual's band (as further described in subsection (c)(2)), less

(2) the total amount of performance-based compensation such individual was in fact granted, in January 2006, for that year.

(c) QUALIFIED INDIVIDUAL.—For purposes of this section, the term ''qualified individual'' means an individual who—

(1) as of the date of the enactment of this Act, is an officer or employee of the Government Accountability Office, excluding—

(A) an individual holding a position subject to section 732a or 733 of title 31, United States Code (disregarding section 732a(b) and 733(c) of such title);

(B) a Federal Wage System employee; and

(C) an individual participating in a development program under which such individual receives performance appraisals, and is eligible to receive permanent merit pay increases, more than once a year; and

(2) as of January 22, 2006, was a Band I staff member with a salary above the Band I cap, a Band IIA staff member with a salary above the Band IIA cap, or an administrative professional or support staff member with a salary above the cap for that individual's pay band (determined in accordance with the orders cited in subsection (b)(1)).

(d) EXCLUSIVE REMEDY.—This section constitutes the exclusive remedy that any officers and employees (as described in subsection (c)) have for any claim that they are owed any monies denied to them in the form of merit pay for 2006 under section 731(b) of title 31, United States Code, or any other law. Notwithstanding any other provision of law, no court or administrative body in the United States, including the Government Accountability Office Personnel Appeals Board, shall have jurisdiction to entertain any civil action or other civil proceeding based on the claim of such officers or employees that they were due money in the form of merit pay for 2006 pursuant to such section 731(b) or any other law.

(e) DEFINITIONS.—For purposes of this section—

(1) the term ''performance-based compensation'' has the meaning given such term under the Government Accountability Office's performance-based compensation system under GAO Orders 2540.3 and 2540.4, as in effect in 2006; and

(2) the term ''permanent merit pay increase'' means an increase under section 731(b) of title 31, United States Code, in a rate of basic pay.

SEC. 5. INSPECTOR GENERAL.

(a) IN GENERAL.—Subchapter I of chapter 7 is amended by adding at the end the following:

''§ 705. Inspector General for the Government Accountability Office

''(a) ESTABLISHMENT OF OFFICE.—There is established an Office of the Inspector General in the Government Accountability Office, to—

''(1) conduct and supervise audits consistent with generally accepted government auditing standards and investigations relating to the Government Accountability Office;

''(2) provide leadership and coordination and recommend policies, to promote economy, efficiency, and effectiveness in the Government Accountability Office; and

''(3) keep the Comptroller General and Congress fully and currently informed concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations of the Government Accountability Office.

''(b) APPOINTMENT, SUPERVISION, AND REMOVAL.—

''(1) The Office of the Inspector General shall be headed by an Inspector General, who shall be appointed by the Comptroller General without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. The Inspector General shall report to, and be under the general supervision of, the Comptroller General.

''(2) The Inspector General may be removed from office by the Comptroller General. The Comptroller General shall, promptly upon such removal, communicate in writing the reasons for any such removal to each House of Congress.

''(3) The Inspector General shall be paid at an annual rate of pay equal to $5,000 less than the annual rate of pay of the Comptroller General, and may not receive any cash award or bonus, including any award under chapter 45 of title 5.

''(c) AUTHORITY OF INSPECTOR GENERAL.—In addition to the authority otherwise provided by this section, the Inspector General, in carrying out the provisions of this section, may—

''(1) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material that relate to programs and operations of the Government Accountability Office;

''(2) make such investigations and reports relating to the administration of the programs and operations of the Government Accountability Office as are, in the judgment of the Inspector General, necessary or desirable;

''(3) request such documents and information as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal agency;

''(4) in the performance of the functions assigned by this section, obtain all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence from a person not in the United States Government or from a Federal agency, to the same extent and in the same manner as the Comptroller General under the authority and procedures available to the Comptroller General in section 716 of this title;

''(5) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this section, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of Inspector General designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal;

''(6) have direct and prompt access to the Comptroller General when necessary for any purpose pertaining to the performance of functions and responsibilities under this section;

''(7) report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law; and

''(8) provide copies of all reports to the Audit Advisory Committee of the Government Accountability Office and provide such additional information in connection with such reports as is requested by the Committee.

''(d) COMPLAINTS BY EMPLOYEES.—

''(1) The Inspector General—

''(A) subject to subparagraph (B), may receive, review, and investigate, as the Inspector General considers appropriate, complaints or information from an employee of the Government

Accountability Office concerning the possible existence of an activity constituting a violation of any law, rule, or regulation, mismanagement, or a gross waste of funds; and

''(B) shall refer complaints or information concerning violations of personnel law, rules, or regulations to established investigative and adjudicative entities of the Government Accountability Office.

''(2) The Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

''(3) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(e) SEMIANNUAL REPORTS.—(1) The Inspector General shall submit semiannual reports summarizing the activities of the Office of the Inspector General to the Comptroller General. Such reports shall include, but need not be limited to—

''(A) a summary of each significant report made during the reporting period, including a description of significant problems, abuses, and deficiencies disclosed by such report;

''(B) a description of the recommendations for corrective action made with respect to significant problems, abuses, or deficiencies described pursuant to subparagraph (A);

''(C) a summary of the progress made in implementing such corrective action described pursuant to subparagraph (B); and

''(D) information concerning any disagreement the Comptroller General has with a recommendation of the Inspector General.

''(2) The Comptroller General shall transmit the semiannual reports of the Inspector General, together with any comments the Comptroller General considers appropriate, to Congress within 30 days after receipt of such reports.

''(f) INDEPENDENCE IN CARRYING OUT DUTIES AND RESPONSIBILITIES.—The Comptroller General may not prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities of the Inspector General under this section.

''(g) AUTHORITY FOR STAFF.—

''(1) IN GENERAL.—The Inspector General shall select, appoint, and employ (including fixing and adjusting the rates of pay of) such personnel as may be necessary to carry out this section consistent with the provisions of this title governing selections, appointments, and employment (including the fixing and adjusting the rates of pay) in the Government Accountability Office. Such personnel shall be appointed, promoted, and assigned only on the basis of merit and fitness, but without regard to those provisions of title 5 governing appointments and other personnel actions in the competitive service, except that no personnel of the Office may be paid at an annual rate greater than $1,000 less than the annual rate of pay of the Inspector General.

''(2) EXPERTS AND CONSULTANTS.—The Inspector General may procure temporary and intermittent services under section 3109 of title 5 at rates not to exceed the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title.

''(3) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office of the Inspector General unless the individual is appointed by the Inspector General, or provides services obtained by the Inspector General, pursuant to this paragraph.

''(4) LIMITATION ON PROGRAM RESPONSIBILITIES.—The Inspector General and any individual carrying out any of the duties or responsibilities of the Office of the Inspector General are prohibited from performing any program responsibilities.

''(h) OFFICE SPACE.—The Comptroller General shall provide the Office of the Inspector General—

''(1) appropriate and adequate office space;

''(2) such equipment, office supplies, and communications facilities and services as may be necessary for the operation of the Office of the Inspector General;

''(3) necessary maintenance services for such office space, equipment, office supplies, and communications facilities; and

''(4) equipment and facilities located in such office space.

''(i) DEFINITION.—As used in this section, the term 'Federal agency' means a department, agency, instrumentality, or unit thereof, of the Federal Government.''.

(b) INCUMBENT.—The individual who serves in the position of Inspector General of the Government Accountability Office on the date of the enactment of this Act shall continue to serve in such position subject to removal in accordance with the amendments made by this section.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 7 is amended by inserting after the item relating to section 704 the following:

''705. Inspector General for the Government Accountability Office.''.

SEC. 6. REIMBURSEMENT OF AUDIT COSTS.

(a) IN GENERAL.—Section 3521 is amended by adding at the end the following:

''(i)(1) If the Government Accountability Office audits any financial statement or related schedule which is prepared under section 3515 by an executive agency (or component thereof) for a fiscal year beginning on or after October 1, 2009, such executive agency (or component) shall reimburse the Government Accountability Office for the cost of such audit, if the Government Accountability Office audited the statement or schedule of such executive agency (or component) for fiscal year 2007.

''(2) Any executive agency (or component thereof) that prepares a financial statement under section 3515 for a fiscal year beginning on or after October 1, 2009, and that requests, with the concurrence of the Inspector General of such agency, the Government Accountability Office to conduct the audit of such statement or any related schedule required by section 3521 may reimburse the Government Accountability Office for the cost of such audit.

''(3) For the audits conducted under paragraphs (1) and (2), the Government Accountability Office shall consult prior to the initiation of the audit with the relevant executive agency (or component) and the Inspector General of such agency on the scope, terms, and cost of such audit.

''(4) Any reimbursement under paragraph (1) or (2) shall be deposited to a special account in the Treasury and shall be available to the Government Accountability Office for such purposes and in such amounts as are specified in annual appropriations Acts.''.

(b) CONFORMING AMENDMENT.—Section 1401 of title I of Public Law 108–83 (31 U.S.C. 3523 note) is repealed, effective October 1, 2010.

SEC. 7. FINANCIAL DISCLOSURE REQUIREMENTS.

Section 109(13)(B) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in clause (i), by inserting ''(except any officer or employee of the Government Accountability Office)'' after ''legislative branch'', and by striking ''and'' at the end;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following:

''(ii) each officer or employee of the Government Accountability Office who, for at least 60 consecutive days, occupies a position for which the rate of basic pay, minus the amount of locality pay that would have been authorized under section 5304 of title 5, United States Code (had the officer or employee been paid under the General Schedule) for the locality within which the position of such officer or employee is located (as determined by the Comptroller General), is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS–15 of the General Schedule; and''.

SEC. 8. HIGHEST BASIC PAY RATE.

Section 732(c)(2) is amended by striking ''highest basic rate for GS–15;'' and inserting ''rate for level III of the Executive Level, except that the total amount of cash compensation in any year shall be subject to the limitations provided under section 5307(a)(1) of title 5;''.

SEC. 9. ADDITIONAL AUTHORITIES.

(a) IN GENERAL.—Section 731 is amended—

(1) by repealing subsection (d);

(2) in subsection (e)—

(A) in the matter before paragraph (1), by striking ''maximum daily rate for GS–18 under section 5332 of such title'' and inserting ''daily rate for level IV of the Executive Schedule''; and

(B) by striking ''more than—'' and all that follows and inserting the following: ''more than 20 experts and consultants may be procured for terms of not more than 3 years, but which shall be renewable.''; and

(3) by adding at the end the following:

''(j) Funds appropriated to the Government Accountability Office for salaries and expenses are available for meals and other related reasonable expenses incurred in connection with recruitment.''.

(b) CONFORMING AMENDMENTS.—(1) Section 732a(b) is amended by striking ''section 731(d), (e)(1), or (e)(2)'' and inserting ''paragraph (1) or (2) of section 731(e)''.

(2) Section 733(c) is amended by striking ''(d),''.

(3) Section 735(a) is amended by striking ''731(c)–(e),'' and inserting ''731(c) and (e),''.

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

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, once again, we come to the House floor to consider and pass what, in my opinion, is a vitally important piece of legislation designed to ensure the continual effectiveness of the U.S. Congress. H.R. 5683, the Government Accountability Act of 2008, will allow the Government Accountability Office to regain its footing as a premier government agency that both promotes its employees as the best and the brightest, as well as treats them as such.

On April 2, after a 2-year investigation and several subcommittee hearings, I introduced H.R. 5683, which would restore the 2006 and 2007 annual

across-the-board increase to GAO employees who met expectations but did not receive the adjustment.

In summary, the legislation sets a ''floor guarantee'' that would preserve GAO's performance-based compensation system, while ensuring that GAO employees receive an annual increase in their permanent pay, provided they meet expectations, that is at least equal to the congressionally approved across-the-board increase. The floor guarantee will be comprised of the annual adjustment to the GAO pay schedule plus the permanent merit pay increase received by an employee under GAO's merit pay system.

Other provisions in the bill include creating a statutory Inspector General for GAO, permitting the Comptroller General greater flexibility to administer oaths to witnesses when auditing and settling accounts, enabling the CG to expenditures for meals and other expenses in connection with recruitment, and eliminates the statutorily employed GS–15 pay cap to allow the Comptroller General the authority to pay employees up to the rate for Executive Level III.

After consideration by our colleagues in the Senate, H.R. 5683 returns to us in the House amended and, in some respects, strengthened by the inclusion of language requiring the Treasury Department, the Internal Revenue Service, or any other Federal agency that the GAO elects to audit, to reimburse the GAO for the cost of performing such audits during fiscal year 2007. The most recent iteration of the bill also makes sure that GAO would be reimbursed by an agency that asks to be audited and elects to pay for the audit.

While the bill represents a significant step forward, the subcommittee and many Members of the House still recognize that more work needs to be done at GAO. Nevertheless, H.R. 5683 will help improve the morale at GAO and remedy the inequities that resulted from the denial of the 2006 and 2007 across-the-board adjustments.

Mr. Speaker, I hope that my colleagues will once again join GAO and the International Federation of Professional and Technical Engineers and support the passage of this bill.

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

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

Mr. Speaker, I rise to speak on H.R. 5683, the Government Accountability Office Act of 2008. Last year, the GAO submitted to Congress a legislative proposal to make a number of largely noncontroversial changes to GAO's authorizing statutes. In May of this year, our committee approved H.R. 5683, and in June, the bill passed the House under suspension.

Now, the bill passed by the House did a number of things that were sought by the GAO. For example, that bill and the bill we're taking up today would make statutory GAO's Inspector General and would attempt to resolve longstanding pay disputes between GAO and some of its employees.

The Senate took up the House bill before the August recess, amended it, passed it, and sent it over here back to the House. It is the Senate's version of our bill that we're taking up today.

Now, the Senate's new language would add 4 percent to the lump sum payments under section 3. This is intended to compensate employees for the fact that under the Senate bill employees would have to make contributions into the retirement system.

□ 1400

The original House bill expected GAO to cover these costs, which GAO was willing to do, but the Senate language expects employees to pay their fair share.

The new language would also revise reimbursement of GAO audit costs to limit reimbursements to those audits that are currently being done by GAO, but would allow reimbursement of other audits with the concurrence of the agency's IG.

Since it appears all interested parties agreed to the new language before the bill passed the Senate, I support it as well and urge my colleagues to vote for the bill.

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

Mr. DAVIS of Illinois. I want to thank the gentleman from Virginia for his support of the bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5683.

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

A motion to reconsider was laid on the table.

LANCE CORPORAL DREW W. WEAVER POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6168) to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the ''Lance Corporal Drew W. Weaver Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6168

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

SECTION 1. LANCE CORPORAL DREW W. WEAVER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, shall be known and designated as the ''Lance Corporal Drew W. Weaver Post Office Building''.

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

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

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I present for consideration and support H.R. 6168, which names a postal facility in St. Charles, Missouri, after Lance Corporal Drew Weaver, a heroic marine and great American.

H.R. 6198 was introduced by a colleague, Representative AKIN of Missouri, on June 3, 2008, and has been considered by and reported from the Oversight Committee. I should mention that the measure had the support of the entire congressional delegation from Missouri before the committee approved the bill by a voice vote on July 16, 2008.

Lance Corporal Drew Weaver was assigned to the 3rd Light Armored Reconnaissance Battalion, 1st Marine Division I, Marine Expeditionary Force Twenty-Nine out of Palms, California, and was serving in Operation Iraqi Freedom during the time of his death. A true hero and American serviceman, Lance Corporal Weaver was well known not only for his service to his country, but also for his service to his local community of St. Charles, Missouri.

St. Charles, Missouri is proud of their hometown hero for the sacrifices he so nobly made, and those of us in the House of Representatives are as well. Therefore, Mr. Speaker, let us remember and pay tribute to the life and legacy of the courageous Lance Corporal Weaver and pass H.R. 6168 without objection.

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

Mr. AKIN. Mr. Speaker, I rise today in support of H.R. 6168. It's a bill that I introduced to honor the life of Drew W. Weaver by designating the post office in St. Charles, Missouri, as the Lance Corporal Drew W. Weaver Post Office Building.

A resident of St. Charles, Missouri, Lance Corporal Drew Weaver was part of the 3rd Light Armored Reconnaissance Battalion, 1st Marine Division,

1st Marine Expeditionary Force. On February 21, 2007, Lance Corporal Weaver died while conducting combat operations in the al Anbar province in Iraq. As Captain Mark C. Brown noted, Drew was ''known for his enthusiasm and his ability to motivate people around him.''

Drew's contribution to his country was honored by his community when hundreds of people showed up to his memorial service and procession. A graduate of St. Charles High School, friends and family of Drew remember him as an energetic young man who was eager to serve his country. Ryan Hanson, his best friend and a fellow serviceman, said, ''Drew loved what he was doing and was proud of what he was doing for the Marine Corps.''

As the father of two Marines, one of whom has served in Iraq, it is a privilege to stand here today to honor one of our fallen heroes. Drew's commitment and dedication to his country is a shining example of how our military men and women are the finest our Nation has to offer.

His and his family's sacrifice should serve as a reminder to all that the freedom we enjoy as Americans is not free, but the result of tremendous bravery and selfless sacrifice of men and women willing to put themselves in harm's way for freedom's cause.

As Reverend James Benz noted during Drew's funeral, ''I think we can learn from them that the freedom we enjoy in this country is precious, that it is special, and it must be preserved sometimes at great personal cost.''

Our Nation will be forever indebted to Lance Corporal Drew Weaver. Madam Speaker, I ask that my colleagues join me today in honoring Lance Corporal Drew Weaver.

Vote ''yes'' on H.R. 6168.

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

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

The SPEAKER pro tempore (Ms. SOLIS). The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6168.

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. AKIN. 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.

SPECIALIST PETER J. NAVARRO POST OFFICE BUILDING

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6169) to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6169

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

SECTION 1. SPECIALIST PETER J. NAVARRO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, shall be known and designated as the ''Specialist Peter J. Navarro Post Office Building''.

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

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

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

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

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

There was no objection.

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

As a member of the House Committee on Oversight and Government Reform I am pleased to join my colleagues, particularly the gentleman from Missouri, in the consideration of H.R. 6169, which names a postal facility in Baldwin, Missouri, after a fallen hero, Specialist Peter J. Navarro.

Introduced on June 3, 2008, H.R. 6169 is sponsored by Congressman TODD AKIN, representative of Missouri's Second Congressional District, and cosponsored by Missouri's entire congressional delegation and a total of eight Members of Congress. H.R. 6169 was reported from the Oversight Committee on July 16, 2008 by a voice vote.

Upon graduating from Lafayette High School in Wildwood, Missouri, Specialist Peter J. Navarro was assigned to the Army's 2nd Battalion and served in that capacity as an outstanding member of his regiment. While conducting combat operations, an improvised explosion device was detonated near his Humvee, killing the 20-year-old.

His mother had asked him not to return to Iraq, but being the dedicated soldier that he was, Specialist Navarro returned because he believed in the mission. Described as a strong willed and caring young man, Specialist Peter J. Navarro served his country in Iraq with pride and distinction. In honor of this sacrifice, Mr. Speaker, let us also pay tribute to the life of Specialist Navarro and pass H.R. 6169 and designate the Manchester Road Post Office Building in Baldwin, Missouri, after this fine and outstanding American soldier.

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

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

Mr. Speaker, I rise today in strong support of H.R. 6169, a bill I introduced to honor the life of Peter J. Navarro by designating the post office in Baldwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building.''

A resident of Wildwood, Missouri, Specialist Peter Navarro was part of Company A, 2nd Battalion, 70th Armor Regiment, 3rd Brigade Combat Team, 1st Armored Division. On December 13, 2005, Specialist Navarro was one of four soldiers killed when a roadside bomb detonated near their Humvee during combat operations in Taji, Iraq.

A graduate of Lafayette High School, Peter declined his acceptance at Truman State University so he could join the Army right after graduation.

When Peter returned home for his younger brother's funeral, he was faced with the undeniable risks of serving his country; however, he returned to Iraq, telling friends and family ''they need me there.'' Peter was a dedicated soldier willing to give the ultimate sacrifice to protect his country and the men and women who reside there.

As Peter's father, Jose Navarro, said, ''He cared for the soldiers he worked with. He would do anything for his friends. And he told me he believed in the mission that he was involved in.''

As a father of two marines, one of whom has served in Iraq, it is a privilege to stand here today to honor one of our fallen soldiers. Peter's commitment and dedication to his country is a shining example of how our military men and women are the finest our Nation has to offer.

His and his family's sacrifice should serve as a reminder to all that the freedom we enjoy as Americans is not free, but the result of the tremendous bravery and selfless service of men and women willing to put themselves in harm's way for freedom's cause.

Our Nation will be forever indebted to Specialist Peter Navarro. Mr. Speaker, I ask that my colleagues join me today in honoring Peter by voting ''yes'' on H.R. 6169.

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

Mr. DAVIS of Illinois. Mr. Speaker, I am very pleased to join with Representative AKIN. And we would urge passage of this legislation in honor of an outstanding American soldier.

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

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6169.

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

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

The point of no quorum is considered withdrawn.

OVER-CLASSIFICATION REDUCTION ACT

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6575) to require the Archivist of the United States to promulgate regulations to prevent the over-classification of information, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6575

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 ''Over-Classification Reduction Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to increase Governmentwide information sharing and the availability of information to the public by applying standards and practices to reduce improper classification.

SEC. 3. OVER-CLASSIFICATION PREVENTION WITHIN THE FEDERAL GOVERNMENT.

(a) ARCHIVIST RESPONSIBILITIES.—

(1) REGULATIONS.—The Archivist of the United States, in consultation with the heads of affected Federal agencies, shall promulgate regulations to prevent the over-classification of information.

(2) REQUIREMENTS.—The regulations under this subsection shall—

(A) identify specific requirements to prevent the over-classification of information, including for determining—

(i) when classified products should be prepared in a similar format governmentwide; and

(ii) when classified products should also be prepared in an unclassified format; taking into consideration whether an unclassified product would reasonably be expected to be of any benefit to a State, local, tribal or territorial government, law enforcement agency, or other emergency response provider, the private sector, or the public;

(B) ensure that compliance with this Act protects national security and privacy rights; and

(C) establish requirements for Federal agencies to implement, subject to chapter 71 of title 5, United States Code, including the following:

(i) The process whereby an individual may challenge without retribution classification decisions by another individual and be rewarded with specific incentives for successful challenges resulting in—

(I) the removal of improper classification markings; or

(II) the correct application of appropriate classification markings.

(ii) A method for informing individuals that repeated failure to comply with the regulations promulgated under this section could subject them to a series of penalties.

(iii) Penalties for individuals who repeatedly fail to comply with the regulations promulgated under this section after having received both notice of their noncompliance and appropriate training or re-training to address such noncompliance.

(3) CONSULTATION.—The regulations shall be promulgated in consultation, as appropriate, with representatives of State, local, tribal, and territorial governments; law enforcement entities; organizations with expertise in civil rights, employee and labor rights, civil liberties, and government oversight; and the private sector.

(4) DEADLINE.—The regulations under this subsection shall be promulgated in final form not later than one year after the date of the enactment of this Act.

(b) INSPECTOR GENERAL RESPONSIBILITIES.—Consistent with the Inspector General Act of 1978 (5 U.S.C. App.) and section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q), the Inspector General of each affected Federal agency, in consultation with the Archivist, shall randomly audit classified information from each component of the agency with employees that have classification authority. In conducting any such audit, the Inspector General shall—

(1) assess whether applicable classification policies, procedures, rules, and regulations have been followed;

(2) describe any problems with the administration of the applicable classification policies, procedures, rules, and regulations, including specific non-compliance issues;

(3) recommend improvements in awareness and training to address any problems identified under paragraph (2); and

(4) report to Congress, the Archivist, and the public, in an appropriate format, on the findings of the Inspector General's audits under this section.

SEC. 4. ENFORCEMENT OF OVER-CLASSIFICATION PREVENTION WITHIN THE FEDERAL GOVERNMENT.

(a) PERSONAL IDENTIFIERS.—

(1) IN GENERAL.—For purposes described in paragraph (2), the Archivist of the United States shall require that, at the time of classification of information, the following shall appear on the information:

(A) The name, personal identifier, or unique agency identifier of the individual applying classification markings to the information.

(B) The agency, office, and position of the individual.

(2) PURPOSES.—The purposes described in this paragraph are as follows:

(A) To enable the agency to identify and address over-classification problems, including the classification of information that should not be classified.

(B) To assess the information sharing impact of any such problems.

(b) TRAINING.—When implementing the security education and training program pursuant to Executive Order 12958, Executive Order 12829, and successor appropriate Executive Orders, the Archivist, subject to chapter 71 of title 5, United States Code, shall, in consultation with heads of affected Federal agencies—

(1) integrate training to educate about—

(A) the prevention of over-classification of information;

(B) the proper use of classification markings, including portion markings;

(C) the consequences of over-classification and other repeated improper uses of classification markings, including the misapplication of classification markings to information that does not merit such markings, and of failing to comply with the policies and procedures established under or pursuant to this section, including the negative consequences for the individual's personnel evaluation, information sharing, and the overall success of the agency's missions; and

(D) information relating to lessons learned from implementation of the regulations including affected Federal agency internal audits and Inspector General audits, as provided under this Act; and

(2) ensure that such program is conducted efficiently, in conjunction with any other security, intelligence, or other training programs required by the agency to reduce the costs and administrative burdens associated with the additional training required by this section.

(c) DETAILEE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—The Archivist, subject to chapter 71 of title 5, United States Code, in consultation with heads of affected Federal agencies, shall implement a detailee program to detail Federal agency personnel, on a nonreimbursable basis, to the National Archives and Records Administration for the purpose of—

(A) training and educational benefit for the agency personnel assigned so that they may better understand the policies, procedures and laws governing classification authorities;

(B) bolstering the ability of the National Archives and Records Administration to conduct its oversight authorities over agencies; and

(C) ensuring that the policies and procedures established by the agencies remain consistent with those established by the Archivist of the United States.

(2) SUNSET OF DETAILEE PROGRAM.—Except as otherwise provided by law, this subsection shall cease to have effect on December 31, 2012.

SEC. 5. DEFINITIONS.

In this Act:

(1) INFORMATION.—The term ''information'' means any communicable knowledge or documentary material, regardless of its physical form or characteristics, that is owned by, is produced by or for, or is under the control of the Federal Government.

(2) FEDERAL AGENCY.—The term ''Federal agency'' means—

(A) any Executive agency, as that term is defined in section 105 of title 5, United States Code;

(B) any military department, as that term is defined in section 102 of such title; and

(C) any other entity within the executive branch that comes into the possession of classified information.

(3) AFFECTED FEDERAL AGENCY.—The term ''affected Federal agency'' means any Federal agency that employs an individual with original or derivative classification authority.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Missouri (Mr. AKIN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. CLAY).

□ 1415

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 6575, the Over-Classification Reduction Act, addresses the ongoing problem in the Federal

Government of over-classification. This bill was introduced by the chairman and ranking member of the Committee on Oversight and Government Reform, HENRY WAXMAN and TOM DAVIS.

The National Commission on Terrorist Attacks Upon the United States, known as the 9/11 Commission, recommended limiting the unnecessary classification of documents and providing incentives for information sharing. Yet as we mark the 7th-year anniversary of the September 11 tragedy, our government still is not sharing important information. Some information must be protected to avoid threatening our national security. But going too far by over-protecting information is also damaging. Over-classification hurts our efforts to fight terrorism because it prevents agencies from sharing information with relevant stakeholders, including State and local law enforcement and other Federal agencies. It also undermines public access to this important information.

H.R. 6575 calls on the Archivist to promulgate regulations to prevent the over-classification of information. In addition to reducing over-classification, the Archivist would consider what classified information should be prepared in an unclassified format. Agencies would be required to give employees training and the opportunity to challenge classifications, and agency inspectors general would randomly audit classified information to ensure that it is properly marked.

This bill is being considered with an amendment that makes clarifications and addresses concerns raised by the administration and some Members of Congress. For example, the amendment ensures that the bill is consistent with executive order 12958 as well as other existing laws and programs. The amendment also clarifies that the regulations required by the bill be developed in consultation with the heads of affected agencies. It is essential that the Director of National Intelligence play an important role in developing policies related to the declassification of intelligence information. The Archivist also should consult with relevant agencies such as the Department of Defense regarding information about military operations or the Department of Energy regarding safeguarding nuclear facilities.

This bill takes a government-wide approach to improving information sharing. By doing so it will help strengthen our national security.

I would like to thank Chairman REYES and Representative HARMAN for working with the Committee on Oversight on this bill. I urge my colleagues to support this measure.

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

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

I agree completely with my friend from St. Louis here, and H.R. 6575 makes a whole lot of sense.

When we face direct threats, it's easy to assume that the best thing to do is to conceal, protect, or hide information, and, in fact, it's probably the worst thing that we can do. That's what the 9/11 Commission decided as it reviewed the American classification process that existed before the 2001 attacks. This is a quotation:

''Current security requirements nurture over-classification and excessive compartmentalization of information among agencies. Each agency's incentive structure opposes sharing, with risks, criminal, civil, and internal administrative sanctions, but few rewards for sharing information. No one has to pay the long-term costs of over-classifying information though these costs, even in literal financial terms, are substantial.''

The result is that the United States for a long time has tried to protect a huge body of secrets using an incomprehensibly complex system of classifications and safeguard requirements. Worst still, this body of secrets is growing and no one can say with any degree of certainty how much information is classified, how much needs to be declassified, or whether the Nation's real secrets can be adequately protected in a system so bloated it often does not distinguish between the critically important and the merely embarrassing.

Our classification practices have been highly subjective, inconsistent, and susceptible to abuse. Over-classification often confuses national security with bureaucratic, political, or diplomatic convenience.

With this legislation we intend to reduce improper and over-classification and consequently increasing government-wide information sharing and the availability of information to the public. We accomplish this by instructing the Archivist to promulgate regulations which will standardize decisions on the classification documents.

The legislation also establishes systems for challenging whether information ought to be classified and instructs agency IGs to randomly audit classified information to assess whether proper classification decisions are actually being made.

Finally, this legislation creates a record attached to each classified document stating who made the decision to classify. The current system of organizational silos restricts the free flow of information from agency to agency. This system reduces this Nation's overall security by making sure no one gets a view of the entire mosaic. The legislation presents a government-wide solution to protect what must be protected but requires sharing what ought to be shared.

Mr. Speaker, our future safety depends on moving from a ''need to know'' culture to a ''need to share'' culture. This legislation will help us reach that goal. I urge my colleagues to support it.

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

Mr. CLAY. Mr. Speaker, I would just like to urge my colleagues to vote in favor of H.R. 6575, the Over-Classification Reduction Act, which addresses the ongoing problem in the Federal Government of over-classification. Let me thank again Chairman WAXMAN as well as Ranking Member DAVIS for their sponsorship of this bill.

Mr. DAVIS of Virginia. Mr. Speaker, an old military maxim instructs, ''He who protects everything protects nothing.'' For too long, that instruction has been ignored in this country with regards to our classified secrets.

When facing direct threats, it is always easy to assume the best thing to do is to conceal, protect and hide information. The problem is, as the old military maxim said, that could be the exact worst thing to do.

The 9/11 Commission put it this way: ''Current security requirements nurture overclassification and excessive compartmentation [sic] of information among agencies. Each agency's incentive structure opposes sharing, with risks, criminal, civil, and internal administrative sanctions, but few rewards for sharing information. No one has to pay the long-term costs of over-classifying information, though these costs—even in literal financial terms—are substantial.''

The result is the United States for a long time has tried to protect a huge body of secrets using an incomprehensibly complex system of classifications and safeguard requirements.

Worse still, this body of secrets is growing. And no one can say—with any degree of certainty—how much information is classified, how much needs to be declassified or whether the Nation's real secrets can be adequately protected in a system so bloated it often does not distinguish between the critically important and the merely embarrassing.

Our classification practices have been highly subjective, inconsistent and susceptible to abuse. Over-classification often confuses national security with bureaucratic, political or diplomatic convenience.

With this legislation, we intend to reduce improper and over-classification—and, consequently, increasing government-wide information sharing and the availability of information to the public.

We accomplish this by instructing the Archivist to promulgate regulations which will standardize decisions on the classification of documents.

The legislation also establishes systems for challenging whether information ought to be classified and instructs agency IGs to randomly audit classified information to assess whether proper classification decisions are being made.

Finally, this legislation creates a record—attached to each classified document—stating who made the decision to classify it.

The current system of organizational silos restricts the free flow of information from agency to agency. This reduces the Nation's overall security by making sure no one gets to view the entire mosaic.

Today, ''connecting the dots'' must be a ''team sport'' and this legislation presents a government-wide solution to protect what must be protected—but requires sharing of what ought to be shared.

Mr. Speaker, our future safety depends on moving from a ''need to know'' culture to a ''need to share'' culture.

This legislation will help us reach that goal and I urge my colleagues to support it.

Mr. WAXMAN. Mr. Speaker, H.R. 6575, the Over-Classification Reduction Act, is aimed at reducing over-classification by the Federal Government. I introduced this bill with the Ranking Member of the Committee on Oversight and Government Reform, TOM DAVIS.

I want to thank Ranking Member DAVIS for working with me to move this bill. I also want to thank Chairman REYES and Representative HARMAN for their cooperation on this bill and for their leadership on this issue. In addition, I want to recognize Representative CLAY for his work on this issue.

The 9/11 Commission recommended providing incentives for information sharing, "to restore a better balance between security and shared knowledge." But unfortunately, that advice has not been heeded. We continue to see the Federal Government fostering secrecy using the tool of over-classification.

As the 9/11 Commission pointed out in its report, "[c]urrent security requirements nurture overclassification and excessive compartmentalization of information among agencies. Each agency's incentive structure opposes sharing, with risks . . . but few rewards for sharing information. No one has to pay the long-term costs of overclassifying information, though these costs—even in literal financial terms—are substantial."

H.R. 6575 would require the Archivist to promulgate regulations to prevent the over-classification of information. This bill would increase accountability by allowing individuals to challenge decisions to classify information and requiring that successful challenges be rewarded. The bill improves oversight of classification decisions by requiring the Inspector General of each affected agency to randomly audit classified information to determine whether the appropriate procedures were followed and to provide recommendations for improvements. It also requires training for employees to proactively prevent over-classification.

The problem of over-classification is governmentwide and it demands a governmentwide solution. In order to improve information sharing, every agency that has employees with the authority to classify documents must be held accountable. This bill does that. I urge support for H.R. 6575.

Mr. CLAY. 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 Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 6575, as amended.

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

A motion to reconsider was laid on the table.

SECURITIES ACT OF 2008

Mr. KANJORSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6513) to amend the Federal securities laws to enhance the effectiveness of the Securities and Exchange Commission's enforcement, corporation finance, trading and markets, investment management, and examination programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6513

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 "Securities Act of 2008".

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

Sec. 1. Short title; table of contents.
Sec. 2. Authority to impose civil penalties in cease and desist proceedings.
Sec. 3. Formerly associated persons.
Sec. 4. Scope of exemption from State securities regulation.
Sec. 5. Covered securities.
Sec. 6. Collateral bars.
Sec. 7. Unlawful margin lending.
Sec. 8. Securities Investor Protection Act of 1970 amendments.
Sec. 9. Annual testimony on reducing complexity in financial reporting.
Sec. 10. Equal treatment for self-regulatory organization rules.
Sec. 11. Lost and stolen securities.
Sec. 12. Fingerprinting.
Sec. 13. Clarification that section 205 of the Investment Advisers Act of 1940 does not apply to State-registered advisers.
Sec. 14. Amendments to section 31 of the Securities Exchange Act of 1934.
Sec. 15. Protecting confidentiality of materials submitted to Commission.
Sec. 16. Sharing privileged information with other authorities.
Sec. 17. Technical corrections.
Sec. 18. Conforming amendments for the repeal of the Public Utility Holding Company Act of 1935.
Sec. 19. Nationwide service of subpoenas.

SEC. 2. AUTHORITY TO IMPOSE CIVIL PENALTIES IN CEASE AND DESIST PROCEEDINGS.

(a) UNDER THE SECURITIES ACT OF 1933.—Section 8A of the Securities Act of 1933 (15 U.S.C. 77h–1) is amended by adding at the end the following new subsection:

"(g) AUTHORITY TO IMPOSE MONEY PENALTIES.—

"(1) GROUNDS FOR IMPOSING.—In any cease-and-desist proceeding under subsection (a), the Commission may impose a civil penalty on a person if it finds, on the record after notice and opportunity for hearing, that—

"(A) such person—

"(i) is violating or has violated any provision of this title, or any rule or regulation thereunder; or

"(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation thereunder; and

"(B) such penalty is in the public interest.

"(2) MAXIMUM AMOUNT OF PENALTY.—

"(A) FIRST TIER.—The maximum amount of penalty for each act or omission described in paragraph (1) shall be $6,500 for a natural person or $65,000 for any other person.

"(B) SECOND TIER.—Notwithstanding paragraph (A), the maximum amount of penalty for each such act or omission shall be $65,000 for a natural person or $325,000 for any other person if the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement.

"(C) THIRD TIER.—Notwithstanding paragraphs (A) and (B), the maximum amount of penalty for each such act or omission shall be $130,000 for a natural person or $650,000 for any other person if—

"(i) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

"(ii) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.

"(3) EVIDENCE CONCERNING ABILITY TO PAY.—In any proceeding in which the Commission may impose a penalty under this section, a respondent may present evidence of the respondent's ability to pay such penalty. The Commission may, in its discretion, consider such evidence in determining whether such penalty is in the public interest. Such evidence may relate to the extent of such person's ability to continue in business and the collectability of a penalty, taking into account any other claims of the United States or third parties upon such person's assets and the amount of such person's assets.".

(b) UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Subsection (a) of section 21B of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(a)) is amended—

(1) by striking "(a) COMMISSION AUTHORITY TO ASSESS MONEY PENALTIES.—In any proceeding" and inserting the following:

"(a) COMMISSION AUTHORITY TO ASSESS MONEY PENALTIES.—

"(1) IN GENERAL.—In any proceeding";

(2) by redesignating paragraphs (1) through (4) of such subsection as subparagraphs (A) through (D), respectively and moving such redesignated subparagraphs and the matter following such subparagraphs 2 ems to the right; and

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

"(2) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted pursuant to section 21C of this title against any person, the Commission may impose a civil penalty if it finds, on the record after notice and opportunity for hearing, that such person—

"(A) is violating or has violated any provision of this title, or any rule or regulation thereunder; or

"(B) is or was a cause of the violation of any provision of this title, or any rule or regulation thereunder.".

(c) UNDER THE INVESTMENT COMPANY ACT OF 1940.—Paragraph (1) of section 9(d) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(1))) is amended—

(1) by striking "(1) AUTHORITY OF COMMISSION.—In any proceeding" and inserting the following:

"(1) AUTHORITY OF COMMISSION.—

"(A) IN GENERAL.—In any proceeding";

(2) by redesignating subparagraphs (A) through (C) of such paragraph as clauses (i) through (iii), respectively and by moving such redesignated clauses and the matter following such subparagraphs 2 ems to the right; and

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

"(B) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted pursuant to subsection (f) against any person, the Commission may impose a civil penalty if it finds, on the record after notice and opportunity for hearing, that such person—

"(i) is violating or has violated any provision of this title, or any rule or regulation thereunder; or

"(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation thereunder.".

(d) UNDER THE INVESTMENT ADVISERS ACT OF 1940.—Paragraph (1) of section 203(i) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(i)(1)) is amended

(1) by striking ''(1) AUTHORITY OF COMMISSION.—In any proceeding'' and inserting the following:

''(1) AUTHORITY OF COMMISSION.—

''(A) IN GENERAL.—In any proceeding'';

(2) by redesignating subparagraphs (A) through (D) of such paragraph as clauses (i) through (iv), respectively and moving such redesignated clauses and the matter following such subparagraphs 2 ems to the right; and

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

''(B) CEASE-AND-DESIST PROCEEDINGS.—In any proceeding instituted pursuant to subsection (k) against any person, the Commission may impose a civil penalty if it finds, on the record after notice and opportunity for hearing, that such person—

''(i) is violating or has violated any provision of this title, or any rule or regulation thereunder; or

''(ii) is or was a cause of the violation of any provision of this title, or any rule or regulation thereunder.''.

SEC. 3. FORMERLY ASSOCIATED PERSONS.

(a) MEMBER OR EMPLOYEE OF THE MUNICIPAL SECURITIES RULEMAKING BOARD.—Section 15B(c)(8) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(c)(8)) is amended by striking ''any member or employee'' and inserting ''any person who is, or at the time of the alleged misconduct was, a member or employee''.

(b) PERSON ASSOCIATED WITH A GOVERNMENT SECURITIES BROKER OR DEALER.—Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5) is amended—

(1) in subsection (c)(1)(C), by striking ''or seeking to become associated,'' and inserting ''seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated'';

(2) in subsection (c)(2)(A), by inserting '', seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated'' after ''any person associated''; and

(3) in subsection (c)(2)(B), by inserting '', seeking to become associated, or, at the time of the alleged misconduct, associated or seeking to become associated'' after ''any person associated''.

(c) PERSON ASSOCIATED WITH A MEMBER OF A NATIONAL SECURITIES EXCHANGE OR REGISTERED SECURITIES ASSOCIATION.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended by inserting '', or, as to any act or practice, or omission to act, while associated with a member, formerly associated'' after ''member or a person associated''.

(d) PARTICIPANT OF A REGISTERED CLEARING AGENCY.—Section 21(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(a)(1)) is amended by inserting ''or, as to any act or practice, or omission to act, while a participant, was a participant,'' after ''in which such person is a participant,''.

(e) OFFICER OR DIRECTOR OF A SELF-REGULATORY ORGANIZATION.—Section 19(h)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(h)(4)) is amended—

(1) by striking ''any officer or director'' and inserting ''any person who is, or at the time of the alleged misconduct was, an officer or director''; and

(2) by striking ''such officer or director'' and inserting ''such person''.

(f) OFFICER OR DIRECTOR OF AN INVESTMENT COMPANY.—Section 36(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–35(a)) is amended—

(1) by striking ''a person serving or acting'' and inserting ''a person who is, or at the time of the alleged misconduct was, serving or acting''; and

(2) by striking ''such person so serves or acts'' and inserting ''such person so serves or acts, or at the time of the alleged misconduct, so served or acted''.

SEC. 4. SCOPE OF EXEMPTION FROM STATE SECURITIES REGULATION.

Section 18(b)(1) of the Securities Act of 1933 (15 U.S.C. 77r(b)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking ''or the American Stock Exchange, or listed, or authorized for listing, on the National Market System of the Nasdaq Stock Market (or any successor to such entities)'' and inserting '', the American Stock Exchange, or the Nasdaq Stock Market (or any successor to such entities)''; and

(B) by inserting before the semicolon the following: '', except that a security listed, or authorized for listing, on the New York Stock Exchange, the American Stock Exchange, or the Nasdaq Stock Market (or any successor to such entities) shall not be a covered security if the exchange adopts listing standards pursuant to section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) that designates a tier or segment of such securities as securities that are not covered securities for purposes of this section and such security is listed, or authorized for listing, on such tier or segment''; and

(2) in subparagraph (B), by inserting ''covered'' after ''applicable to''.

SEC. 5. COVERED SECURITIES.

(a) WARRANTS AND RIGHTS.—Section 18(b)(1) of the Securities Act of 1933 (15 U.S.C. 77r(b)(1)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(D) a warrant or right to subscribe to or purchase any of the foregoing.''.

(b) EXEMPT OFFERINGS.—Section 18(b)(4)(D) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)(D)) is amended to read as follows:

''(D) Commission rules or regulations issued under section 4(2), except that this subparagraph does not prohibit a State from imposing notice filing requirements that are substantially similar to those required by rule or regulation under section 4(2) that are in effect on September 1, 1996, including information corresponding to that in all the parts and the appendix to Form D.''.

SEC. 6. COLLATERAL BARS.

(a) SECTION 15(B)(6)(A) OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 15(b)(6)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)(6)(A)) is amended by striking ''12 months, or bar such person from being associated with a broker or dealer,'' and inserting ''12 months, or bar any such person from being associated with a broker, dealer, investment adviser, municipal securities dealer, or transfer agent,''.

(b) SECTION 15B(C)(4) OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 15B(c)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–4(c)(4)) is amended by striking ''twelve months or bar any such person from being associated with a municipal securities dealer,'' and inserting ''twelve months or bar any such person from being associated with a broker, dealer, investment adviser, municipal securities dealer, or transfer agent,''.

(c) SECTION 17A(C)(4)(C) OF THE SECURITIES EXCHANGE ACT OF 1934.—Section 17A(c)(4)(C) of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1(c)(4)(C)) is amended by striking ''twelve months or bar any such person from being associated with the transfer agent,'' and inserting ''twelve months or bar any such person from being associated with any transfer agent, broker, dealer, investment adviser, or municipal securities dealer,''.

(d) SECTION 203(F) OF THE INVESTMENT ADVISERS ACT OF 1940.—Section 203(f) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(f)) is amended by striking ''twelve months or bar any such person from being associated with an investment adviser,'' and inserting ''twelve months or bar any such person from being associated with an investment adviser, broker, dealer, municipal securities dealer, or transfer agent,''.

SEC. 7. UNLAWFUL MARGIN LENDING.

Section 7(c)(1)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78g(c)(1)(A)) is amended by striking ''; and'' and inserting ''; or''.

SEC. 8. SECURITIES INVESTOR PROTECTION ACT OF 1970 AMENDMENTS.

(a) SIPC ADVANCES.—Section 9(a)(1) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78fff–3(a)(1)) is amended by inserting ''or options on commodity futures contracts'' after ''claim for securities''.

(b) DEFINITIONS.—Section 16 of such Act (15 U.S.C. 78*lll*) is amended—

(1) by amending paragraph (2) to read as follows:

''(2) CUSTOMER.—

''(A) IN GENERAL.—The term 'customer' of a debtor means any person (including any person with whom the debtor deals as principal or agent) who has a claim on account of securities received, acquired, or held by the debtor in the ordinary course of its business as a broker or dealer from or for the securities accounts of such person for safekeeping, with a view to sale, to cover consummated sales, pursuant to purchases, as collateral, security, or for purposes of effecting transfer.

''(B) INCLUDED PERSONS.—The term 'customer' includes—

''(i) any person who has deposited cash with the debtor for the purpose of purchasing securities;

''(ii) any person who has a claim against the debtor for cash, securities, futures contracts, or options on futures contracts received, acquired, or held in a portfolio margining account carried as a securities account pursuant to a portfolio margining program approved by the Commission; and

''(iii) any person who has a claim against the debtor arising out of sales or conversions of such securities.

''(C) EXCLUDED PERSONS.—The term 'customer' does not include—

''(i) any person to the extent that the claim of such person arises out of transactions with a foreign subsidiary of a member of SIPC; or

''(ii) any person to the extent that such person has a claim for cash or securities which by contract, agreement, or understanding, or by operation of law, is part of the capital of the debtor, or is subordinated to the claims of any or all creditors of the debtor, notwithstanding that some ground exists for declaring such contract, agreement, or understanding void or voidable in a suit between the claimant and the debtor.'';

(2) in paragraph (4), by inserting after the first sentence the following new sentence: ''In the case of portfolio margining accounts of customers that are carried as securities accounts pursuant to a portfolio margining program approved by the Commission, such term shall also include futures contracts and options on futures contracts received, acquired, or held by or for the account of a debtor from or for such accounts, and the proceeds thereof.'';

(3) in paragraph (9), by inserting before ''Such term'' in the matter following subparagraph (L) the following: ''The term includes revenues earned by a broker or dealer in connection with transactions in customers' portfolio margining accounts carried

as securities accounts pursuant to a portfolio margining program approved by the Commission.''; and

(4) in paragraph (11)—

(A) by amending subparagraph (A) to read as follows:

''(A) calculating the sum which would have been owed by the debtor to such customer if the debtor had liquidated, by sale or purchase on the filing date—

''(i) all securities positions of such customer (other than customer name securities reclaimed by such customer); and

''(ii) all positions in futures contracts and options on futures contracts held in a portfolio margining account carried as a securities account pursuant to a portfolio margining program approved by the Commission; minus''; and

(B) by inserting before ''In determining'' in the matter following subparagraph (C) the following: ''A claim for a commodity futures contract received, acquired, or held in a portfolio margining account pursuant to a portfolio margining program approved by the Commission, or a claim for a security futures contract, shall be deemed to be a claim for the mark-to-market (variation) payments due with respect to such contract as of the filing date, and such claim shall be treated as a claim for cash.''.

SEC. 9. ANNUAL TESTIMONY ON REDUCING COMPLEXITY IN FINANCIAL REPORTING.

(a) FINDINGS.—Congress finds the following:

(1) Transparent and clear financial reporting is integral to the continued growth and strength of our capital markets and the confidence of investors.

(2) The increasing detail and volume of accounting, auditing, and reporting guidance pose a major challenge.

(3) The complexity of accounting and auditing standards in the United States has added to the costs and effort involved in financial reporting.

(b) TESTIMONY REQUIRED ON REDUCING COMPLEXITY IN FINANCIAL REPORTING.—The Securities and Exchange Commission, the Financial Accounting Standards Board, and the Public Company Accounting Oversight Board shall annually provide oral testimony by their respective Chairpersons or a designee of the Chairperson, beginning in 2009, and for 5 years thereafter, to the Committee on Financial Services of the House of Representatives on their efforts to reduce the complexity in financial reporting to provide more accurate and clear financial information to investors, including—

(1) reassessing complex and outdated accounting standards;

(2) improving the understandability, consistency, and overall usability of the existing accounting and auditing literature;

(3) developing principles-based accounting standards;

(4) encouraging the use and acceptance of interactive data; and

(5) promoting disclosures in ''plain English''.

SEC. 10. EQUAL TREATMENT FOR SELF-REGULATORY ORGANIZATION RULES.

Section 29(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78cc(a)) is amended by striking ''an exchange required thereby'' and inserting ''a self-regulatory organization''.

SEC. 11. LOST AND STOLEN SECURITIES.

Section 17(f)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(f)(1)) is amended—

(1) in subparagraph (A), by striking ''missing, lost, counterfeit, or stolen securities'' and inserting ''securities that are missing, lost, counterfeit, stolen, cancelled, or any other category of securities as the Commission, by rule, may prescribe''; and

(2) in subparagraph (B), by striking ''or stolen'' and inserting ''stolen, cancelled, or reported in such other manner as the Commission, by rule, may prescribe''.

SEC. 12. FINGERPRINTING.

Section 17(f)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(f)(2)) is amended—

(1) by striking ''and registered clearing agency,'' and inserting ''registered clearing agency, registered securities information processor, national securities exchange, and national securities association''; and

(2) by striking ''or clearing agency,'' and inserting ''clearing agency, securities information processor, national securities exchange, or national securities association,''.

SEC. 13. CLARIFICATION THAT SECTION 205 OF THE INVESTMENT ADVISERS ACT OF 1940 DOES NOT APPLY TO STATE-REGISTERED ADVISERS.

Section 205(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–5(a)) is amended—

(1) by striking '', unless exempt from registration pursuant to section 203(b),'' and inserting ''registered or required to be registered with the Commission'';

(2) by striking ''make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to''; and

(3) by striking ''to'' after ''in any way''.

SEC. 14. AMENDMENTS TO SECTION 31 OF THE SECURITIES EXCHANGE ACT OF 1934.

Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended—

(1) in subsection (e)(2), by striking ''September 30'' and inserting ''September 25''; and

(2) in subsection (g), by striking ''April 30'' and inserting ''August 31''.

SEC. 15. PROTECTING CONFIDENTIALITY OF MATERIALS SUBMITTED TO COMMISSION.

(a) SECURITIES EXCHANGE ACT OF 1934.—Section 17(j) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(j)) is amended to read as follows:

''(j) AUTHORITY TO LIMIT DISCLOSURE OF INFORMATION.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any information, documents, records, or reports that relate to an examination of a person subject to or described in this section, including subsection (i)(5)(A), or the financial or operational condition of such persons, or any information supplied to the Commission by any domestic or foreign regulatory agency that relates to the financial or operational condition of such persons, of any associated person of such persons, or any affiliate of an investment bank holding company. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency or any self-regulatory organization requesting the information for purposes within the scope of its jurisdiction. Nothing in this subsection shall prevent the Commission from complying with an order of a court of the United States in an action brought by the United States or the Commission against such a person to produce information, documents, records, or reports relating directly to the examination of that person or the financial or operational condition of that person or an associated or affiliated person of that person. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552. In prescribing regulations to carry out the requirements of this subsection, the Commission shall designate information described in or obtained pursuant to subparagraphs (A), (B), and (C) of subsection (i)(3) as confidential information for purposes of section 24(b)(2) of this title.''.

(b) INVESTMENT COMPANY ACT OF 1940.—Section 31(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–30(b)) is amended by adding at the end the following:

''(4) CONFIDENTIALITY.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any information, documents, records, or reports that relate to an examination of a person subject to or described in this section. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of its jurisdiction. Nothing in this subsection shall prevent the Commission from complying with an order of a court of the United States in an action brought by the United States or the Commission against such a person to produce information, documents, records, or reports relating directly to the examination of that person or the financial or operational condition of that person or an associated or affiliated person of that person. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552.''.

(c) INVESTMENT ADVISERS ACT OF 1940.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended by adding at the end the following new subsection:

''(d) CONFIDENTIALITY.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any information, documents, records, or reports that relate to an examination of a person subject to or described in this section. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of its jurisdiction. Nothing in this subsection shall prevent the Commission from complying with an order of a court of the United States in an action brought by the United States or the Commission against such a person to produce information, documents, records, or reports relating directly to the examination of that person or the financial or operational condition of that person or an associated or affiliated person of that person. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552.''.

SEC. 16. SHARING PRIVILEGED INFORMATION WITH OTHER AUTHORITIES.

Section 24 of the Securities Exchange Act of 1934 (15 U.S.C. 78x) is amended—

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

(2) in subsection (e), as redesignated, by striking ''as provided in subsection (e)'' and inserting ''as provided in subsection (f)''; and

(3) by inserting after subsection (c) the following new subsection (d)—

''(d) SHARING PRIVILEGED INFORMATION WITH OTHER AUTHORITIES.—

''(1) PRIVILEGED INFORMATION PROVIDED BY THE COMMISSION.—The Commission shall not be deemed to have waived any privilege applicable to any information by transferring that information to or permitting that information to be used by—

''(A) any agency (as defined in section 6 of title 18, United States Code);

''(B) any foreign securities authority;

''(C) any foreign law enforcement authority; or

''(D) any State securities or law enforcement authority.

''(2) NON-DISCLOSURE OF PRIVILEGED INFORMATION PROVIDED TO THE COMMISSION.—Except as provided in subsection (f), the Commission shall not be compelled to disclose privileged information obtained from any foreign securities authority, or foreign law enforcement authority, if the authority has in good faith determined and represented to the Commission that the information is privileged.

''(3) NON-WAIVER OF PRIVILEGED INFORMATION PROVIDED TO THE COMMISSION.—No Federal agency or State securities or law enforcement authority shall be deemed to have waived any privilege applicable to any information by transferring that information to or permitting that information to be used by the Commission.

''(4) DEFINITIONS.—For purposes of this subsection:

''(A) The term 'privilege' includes any work-product privilege, attorney-client privilege, governmental privilege, or other privilege recognized under Federal, Foreign, or State law.

''(B) The term 'foreign law enforcement authority' means any foreign authority that is empowered under foreign law to detect, investigate or prosecute potential violations of law.

''(C) The term 'State securities or law enforcement authority' means the authority of any State or territory that is empowered under State or territory law to detect, investigate or prosecute potential violations of law.''.

SEC. 17. TECHNICAL CORRECTIONS.

(a) SECURITIES ACT OF 1933.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended—

(1) in section 3(a)(4) (15 U.S.C. 77c(a)(4)), by striking ''individual;'' and inserting ''individual,'';

(2) in section 18(b)(1)(C) (15 U.S.C. 77r(b)(1)(C)), by striking ''is a security'' and inserting ''a security'';

(3) in section 18(c)(2)(B)(i) (15 U.S.C. 77r(c)(2)(B)(i)), by striking ''State, or'' and inserting ''State or'';

(4) in section 19(d)(6)(A) (15 U.S.C. 77s(d)(6)(A)), by striking ''in paragraph (1) of (3)'' and inserting ''in paragraph (1) or (3)''; and

(5) in section 27A(c)(1)(B)(ii) (15 U.S.C. 77z–2(c)(1)(B)(ii)), by striking ''business entity;'' and inserting ''business entity,''.

(b) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) is amended—

(1) in section 2(1)(a) (15 U.S.C. 78b(1)(a)), by striking ''affected'' and inserting ''effected'';

(2) in section 3(a)(55)(A) (15 U.S.C. 78c(a)(55)(A)), by striking ''section 3(a)(12) of the Securities Exchange Act of 1934'' and inserting ''section 3(a)(12) of this Act'';

(3) in section 3(g) (15 U.S.C. 78c(g)), by striking ''company, account person, or entity'' and inserting ''company, account, person, or entity'';

(4) in section 10A(i)(1)(B)(i) (15 U.S.C. 78j–1(i)(1)(B)(i)), by striking ''nonaudit'' and inserting ''non-audit'';

(5) in section 13(b)(1) (15 U.S.C. 78m(b)(1)), by striking ''earning statement'' and inserting ''earnings statement'';

(6) in section 15(b)(1) (15 U.S.C. 78o(b)(1))—

(A) by striking the sentence beginning ''The order granting'' and ending ''from such membership.'' in subparagraph (B); and

(B) by inserting such sentence in the matter following such subparagraph after ''are satisfied.'';

(7) in section 15 (15 U.S.C. 78o), by redesignating subsection (i), as added by section 303(f) of the Commodity Futures Modernization Act of 2000 (114 Stat. 2763A–455), as subsection (j);

(8) in section 15C(a)(2) (15 U.S.C. 78o–5(a)(2))—

(A) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(B) by striking the sentence beginning ''The order granting'' and ending ''from such membership.'' in such subparagraph (B), as redesignated; and

(C) by inserting such sentence in the matter following such redesignated subparagraph after ''are satisfied.'';

(9) in section 16(a)(2)(C) (15 U.S.C. 78p(a)(2)(C)), by striking ''section 206(b)'' and inserting ''section 206B'';

(10) in section 17(b)(1)(B) (15 U.S.C. 78q(b)(1)(B)), by striking ''15A(k) gives'' and inserting ''15A(k), give''; and

(11) in section 21C(c)(2) (15 U.S.C. 78u–3(c)(2)), by striking ''paragraph (1) subsection'' and inserting ''Paragraph (1)''.

(c) TRUST INDENTURE ACT OF 1939.—The Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.) is amended—

(1) in section 304(b) (15 U.S.C. 77ddd(b)), by striking ''section 2 of such Act'' and inserting ''section 2(a) of such Act'';

(2) in section 313(a)(4) (15 U.S.C. 77mmm(a)(4)) by striking ''subsection 311'' and inserting ''section 311(b)''; and

(3) in section 317(a)(1) (15 U.S.C. 77qqq(a)(1)), by striking ''(1),'' and inserting ''(1)''.

(d) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) is amended—

(1) in section 2(a)(19) (15 U.S.C. 80a–2(a)(19)) by striking ''clause (vi)'' both places it appears in the last two sentences and inserting ''clause (vii)'';

(2) in section 9(b)(4)(B) (15 U.S.C. 80a–9(b)(4)(B)), by inserting ''or'' after the semicolon at the end;

(3) in section 12(d)(1)(J) (15 U.S.C. 80a–12(d)(1)(J)), by striking ''any provision of this subsection'' and inserting ''any provision of this paragraph'';

(4) in section 13(a)(3) (15 U.S.C. 80a–13(a)(3)), by inserting ''or'' after the semicolon at the end;

(5) in section 17(f)(4) (15 U.S.C. 80a–17(f)(4)), by striking ''No such member'' and inserting ''No member of a national securities exchange'';

(6) in section 17(f)(6) (15 U.S.C. 80a–17(f)(6)), by striking ''company may serve'' and inserting ''company, may serve''; and

(7) in section 61(a)(3)(B)(iii) (15 U.S.C. 80a–60(a)(3)(B)(iii))—

(A) by striking ''paragraph (1) of section 205'' and inserting ''section 205(a)(1)''; and

(B) by striking ''clause (A) or (B) of that section'' and inserting ''section 205(b)(1) or (2)''.

(e) INVESTMENT ADVISERS ACT OF 1940.—The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended—

(1) in each of the following sections, by striking ''principal business office'' or ''principal place of business'' (whichever and wherever it appears) and inserting ''principal office and place of business'': sections 203(c)(1)(A), 203(k)(4)(B), 213(a), 222(b), and 222(c) (15 U.S.C. 80b–3(c)(1)(A), 80b–3(k)(4)(B), 80b–13(a), 80b–18a(b), and 80b–18a(c)); and

(2) in section 206(3) (15 U.S.C. 80b–6(3)), by inserting ''or'' after the semicolon at the end.

SEC. 18. CONFORMING AMENDMENTS FOR THE REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

(a) SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78 et seq.) is amended—

(1) in section 3(a)(47) (15 U.S.C. 78c(a)(47)), by striking ''the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.),''; and

(2) in section 12(k) (15 U.S.C. 78l(k)), by amending paragraph (7) to read as follows:

''(7) DEFINITION.—For purposes of this subsection, the term 'emergency' means—

''(A) a major market disturbance characterized by or constituting—

''(i) sudden and excessive fluctuations of securities prices generally, or a substantial threat thereof, that threaten fair and orderly markets; or

''(ii) a substantial disruption of the safe or efficient operation of the national system for clearance and settlement of transactions in securities, or a substantial threat thereof; or

''(B) a major disturbance that substantially disrupts, or threatens to substantially disrupt—

''(i) the functioning of securities markets, investment companies, or any other significant portion or segment of the securities markets; or

''(ii) the transmission or processing of securities transactions.''.

(3) in section 21(h)(2) (15 U.S.C. 78u(h)(2)), by striking ''section 18(c) of the Public Utility Holding Company Act of 1935,''.

(b) TRUST INDENTURE ACT OF 1939.—The Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.) is amended—

(1) in section 303 (15 U.S.C. 77ccc), by amending paragraph (17) to read as follows:

''(17) The terms 'Securities Act of 1933' and 'Securities Exchange Act of 1934' shall be deemed to refer, respectively, to such Acts, as amended, whether amended prior to or after the enactment of this title.'';

(2) in section 308 (15 U.S.C. 77hhh), by striking ''Securities Act of 1933, the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935'' each place it appears and inserting ''Securities Act of 1933 or the Securities Exchange Act of 1934'';

(3) in section 310 (15 U.S.C. 77jjj), by striking subsection (c) (including the preceding heading);

(4) in section 311 (15 U.S.C. 77kkk) by striking subsection (c);

(5) in section 323(b) (15 U.S.C. 77www(b)), by striking ''Securities Act of 1933, or the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935'' and inserting ''Securities Act of 1933 or the Securities Exchange Act of 1934''; and

(6) in section 326 (15 U.S.C. 77zzz), by striking ''Securities Act of 1933, or the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935,'' and inserting ''Securities Act of 1933 or the Securities Exchange Act of 1934''.

(c) INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) is amended—

(1) in section 2(a)(44) (15 U.S.C. 80a–2(a)(44)), by striking '''Public Utility Holding Company Act of 1935','';

(2) in section 3(c) (15 U.S.C. 80a–3(c)), by amending paragraph (8) to read as follows:

''(8) [Repealed]'';

(3) in section 38(b) (15 U.S.C. 80a–37(b)), by striking ''the Public Utility Holding Company Act of 1935,''; and

(4) in section 50 (15 U.S.C. 80a–49), by striking ''the Public Utility Holding Company Act of 1935,''.

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 202(a)(21) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(21)) is amended by striking '''Public Utility Holding Company Act of 1935',''.

SEC. 19. NATIONWIDE SERVICE OF SUBPOENAS.

(a) SECURITIES ACT OF 1933.—Section 22(a) of the Securities Act of 1933 (15 U.S.C. 77v(a)) is amended by inserting after the second sentence the following: ''In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued by or on behalf of such court to compel the attendance of witnesses or the production of

documents or tangible things (or both) may be served in any other district. Such subpoenas may be served and enforced without application to the court or a showing of cause, notwithstanding the provisions of rule 45(b)(2), (c)(3)(A)(ii), and (c)(3)(B)(iii) of the Federal Rules of Civil Procedure.''.

(b) SECURITIES EXCHANGE ACT OF 1934.—Section 27 of the Securities Exchange Act of 1934 (15 U.S.C. 78aa) is amended by inserting after the third sentence the following: ''In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued by or on behalf of such court to compel the attendance of witnesses or the production of documents or tangible things (or both) may be served in any other district. Such subpoenas may be served and enforced without application to the court or a showing of cause, notwithstanding the provisions of rule 45(b)(2), (c)(3)(A)(ii), and (c)(3)(B)(iii) of the Federal Rules of Civil Procedure.''.

(c) INVESTMENT COMPANY ACT OF 1940.—Section 44 of the Investment Company Act of 1940 (15 U.S.C. 80a–43) is amended by inserting after the fourth sentence the following: ''In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued by or on behalf of such court to compel the attendance of witnesses or the production of documents or tangible things (or both) may be served in any other district. Such subpoenas may be served and enforced without application to the court or a showing of cause, notwithstanding the provisions of rule 45(b)(2), (c)(3)(A)(ii), and (c)(3)(B)(iii) of the Federal Rules of Civil Procedure.''.

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 214 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–14) is amended by inserting after the third sentence the following: ''In any action or proceeding instituted by the Commission under this title in a United States district court for any judicial district, subpoenas issued by or on behalf of such court to compel the attendance of witnesses or the production of documents or tangible things (or both) may be served in any other district. Such subpoenas may be served and enforced without application to the court or a showing of cause, notwithstanding the provisions of rule 45(b)(2), (c)(3)(A)(ii), and (c)(3)(B)(iii) of the Federal Rules of Civil Procedure.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. KANJORSKI) and the gentlewoman from Ohio (Ms. PRYCE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. KANJORSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and insert extraneous material thereon.

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

There was no objection.

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

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

Mr. KANJORSKI. Mr. Speaker, I rise today in support of H.R. 6513, the Securities Act of 2008.

This commonsense legislation enjoys broad bipartisan support. H.R. 6513 will also better protect investors, promote greater confidence in our capital markets at a crucial time, as investor anxieties persist because of this ongoing financial turmoil.

Additionally, H.R. 6513 increases the effectiveness of the Securities and Exchange Commission by strengthening its enforcement authority.

The current economic woes have once again highlighted the need for the Congress to vest regulators with the authority they need to keep markets balanced and their participants honest. The Securities Act of 2008 thus provides the commission with many of the important regulatory tools that it has sought as part of its annual authorization requests in recent years.

In particular, the commission's enforcement program will benefit greatly from the provisions authorizing the nationwide service of subpoenas and the imposition of collateral bars. These provisions respectively will allow the commission to allocate its funds more efficiently and prevent bad actors from re-entering other parts of the industry.

Securities Exchange Chairman Cox has expressed a letter of his support for this legislation to implement the commission's recommendations. Chairman Cox has also commended the Financial Services Committee's bipartisan leadership in developing this bill. The North American Securities Administrators Association has also endorsed this bill by noting that now is the time to strengthen securities regulation, given what has happened on Wall Street in recent years.

In addition to updating the Federal securities laws by making numerous technical corrections, this bill improves investor protection in at least three other ways.

First, it provides greater clarity about the commission's authority to impose sanctions on and seek remedies from individuals who violated the law but who are no longer associated with a regulated entity.

Second, the bill conforms the language of the law to existing interpretations about when unlawful margin lending occurs.

Third, this bill helps investors by extending the insurance provided by the Securities Investor Protection Corporation to securities futures held within their portfolio. As a result, this bill enhances the competitiveness of the U.S. markets by advancing portfolio-based margining for the customers of broker-dealers.

Capital flows to the most efficient markets, and because most financially developed countries allow this risk-based, investor protection hedging practice, the U.S. equity markets simply must keep pace to compete in today's global economy by allowing it as well.

As per my earlier unanimous consent request, I am inserting in the CONGRESSIONAL RECORD a more detailed statement about these three important investor protection measures in order to provide greater legislative history on them.

Before closing, I should note that previously the House has unanimously passed during the 110th Congress several of the provisions contained in this larger reform package. Moreover, this bill has strong bipartisan support, and my colleagues on both sides of the aisle therefore deserve tremendous credit for working together on this legislation. In particular, the gentleman from New York (Mr. MEEKS), the gentleman from Illinois (Mr. ROSKAM), the gentleman from Kentucky (Mr. DAVIS), and the gentleman from California (Mr. CAMPBELL) have worked diligently on many of these provisions in this bill. I appreciate their prior efforts and their support as cosponsors of this larger legislative package.

The chairman, Mr. FRANK, and the ranking member, Mr. BACHUS, of the Financial Services Committee, in addition to my ranking member (Ms. PRYCE) on the Capital Markets Subcommittee all support this bill.

□ 1430

Our cooperative effort on this bill illustrates that good policy can emerge from this body when ideology and partisanship yield to practicality and the common good.

I would just like to comment that that sentence represents the career, to some extent, of Ms. PRYCE. Ms. PRYCE is joining us on the floor today, possibly for the last time in her congressional career. She has been my chairman and my ranking member as my career through Congress has occurred. DEBORAH knows that when I first heard of her intentions to retire, I was greatly saddened, because this body will be losing an individual on either side of the aisle who has been most cooperative, most nonpartisan, and most productive as a legislator of anyone I can remember in my years here in this body.

I wish her well in her retirement. I know it will only be a retirement in terms of leaving the Congress, not leaving active, productive, and contributing life in another form in Ohio or somewhere else. But we will miss you on the committee, on the subcommittee, and in this Congress, Ms. PRYCE.

In sum, I urge all my colleagues to vote ''yes'' on H.R. 6513.

Mr. KANJORSKI. Mr. Speaker, I rise today to express further support for the Securities Act of 2008, to explain why this legislation confirms certain existing authorities of the Securities and Exchange Commission, and to provide for the legislative history some background on the facts that informed the drafting of this bill.

In regard to section 3 on Formerly Associated Persons in H.R. 6513, many provisions of the Federal securities laws that authorize the sanctioning of a person who engages in misconduct while associated with a regulated or supervised entity explicitly provide that such

authority exists even if the person is no longer associated with that entity.

Several provisions, however, do not explicitly address this issue, although the intent of earlier Congresses appears to have been that the Securities and Exchange Commission had such authority, and no contrary statutory language or legislative history exists. In fact, the Congress has earlier amended several statutory provisions to ratify and confirm the authority of the Commission to discipline a person formerly associated with a regulated entity for conduct while an associated person, but it did not express intent to provide such authority only for those provisions being amended.

To build on these previous efforts, section 3 of H.R. 6513 amends additional provisions of the securities laws that do not explicitly address this issue. These changes confirm that the Commission may sanction or discipline persons who engage in misconduct while associated with a regulated or supervised entity, even if they are no longer associated with that entity. Accordingly, the amendments would not alter or expand the Commission's current authority. They would only ratify and confirm it.

As a general rule, it is the intent of the Congress that the securities laws, including but not limited to those provisions amended by this section, apply to and provide meaningful remedies for sanctioning persons who engage in misconduct while associated with a regulated or supervised entity, even if the person is no longer associated with that entity.

Also, the Capital Markets Efficiency Act of 1996 inter alia exempted from Federal margin requirements, adopted under section 7 of the Securities Exchange Act of 1934, credit extended, maintained, or arranged to or for a member of a national securities exchange or registered broker-dealer under certain circumstances. In the portion of section 7 that was not substantively amended by the Capital Markets Efficiency Act, the word "and" was inserted, which could be read to mean that margin lending would be unlawful only if both elements of the pre-existing prohibitions were violated, when prior to the Capital Markets Efficiency Act violation of either prong was sufficient to make such margin lending unlawful.

Specifically, the first prong, section 7(c)(1)(A), states that margin lending is unlawful if done in contravention of the Federal Reserve Board's rules, and the second prong, section 7(c)(1)(B), states that margin lending is unlawful without collateral or on any collateral other than securities, except in accordance with the Federal Reserve Board's rules. The proposed change would clarify that a violation of either prong remains sufficient to establish a cause of action for improper margin lending. This technical drafting amendment contained in section 7 of H.R. 6513 conforms the statutory language of section 7 of the Exchange Act to existing interpretations that provide that the two clauses represent independent requirements.

Additionally, section 8 of H.R. 6513 would amend the Securities Investor Protection Act of 1970 to extend Securities Investor Protection Corporation insurance to futures positions held in a portfolio margining account under a program approved by the Commission. In paragraph (b)(2)(B)(iii) of this section, the word "such" refers to those securities positions described in paragraphs (b)(2)(A) and (b)(2)(B)(ii). The purpose of paragraph (b)(2)(B)(iii) is to extend protection to any person who has a claim against the debtor arising out of sales or conversions of securities described in either paragraph. Any claims for security futures under this section are claims for cash and not for a "security." In addition, "security futures contract" as used in this section has the same meaning as "security future" as defined in 15 USC 78111 (14).

With this additional legislative history in mind, I will vote for this bill. I urge my colleagues to do the same.

I reserve the balance of my time.

Ms. PRYCE of Ohio. I yield myself such time as I may consume.

Please let me begin by thanking my chairman for those very, very kind, overly kind remarks. I will miss working with him and on this committee. It has been a wonderful experience for me, and working in a bipartisan, nonpartisan way with Chairman KANJORSKI and others on the committee has been an experience that I will always value. So, thank you, sir.

Mr. Speaker, I rise in support of H.R. 6513, the Securities Act of 2008. This legislation before us today is a commonsense, bipartisan bill developed by Chairman KANJORSKI, Chairman FRANK, Ranking Member BACHUS, and myself.

The bill enhances investor protection, capital market competitiveness, makes the SEC a more effective agency, and the legislation makes our regulation and standards setter, the SEC, more accountable to the capital markets.

H.R. 6513 would enact components of the Securities and Exchange Commission's legislative requests submitted to Congress in both 2007 and 2008. The bill also amends the Securities Investor Protection Act, or SIPA, to allow investors to hold all equity-related positions in a single portfolio margin account. The SIPA amendment creates a clear pathway for regulators to follow in order to realize the state-of-the-art portfolio-based margining system for customers of broker-dealers.

The SIPA amendment would enhance the competitiveness of U.S. markets and eliminate inefficiencies in our current regulatory regime that put U.S. firms and customers at a competitive disadvantage internationally.

Mr. Speaker, this bill also includes bills passed by the House last year under suspension, including H.R. 755, introduced by Representative GEOFF DAVIS, benefiting investors by increasing the usability of financial reports and ensuring that financial regulators are committed to meaningful and clear disclosures; H.R. 2868, by Representatives MEEKS and FOSSELLA, allowing U.S. exchanges to create listing tiers for smaller companies. This is a welcome tool to promote our capital markets as well as attract and retain investment capital in the United States. And H.R. 3505, by Representative PETER ROSKAM, which makes technical corrections to the Federal securities laws, making sure our securities laws are unambiguous, grammatically correct, and current.

The SEC endorsed this legislation, as did the North American Securities Administrators Association and a large coalition of U.S. exchanges. In this time of tumult in our marketplaces in this country and elsewhere, it is appropriate legislation.

In closing, Mr. Speaker, I want to thank Kevin Edgar, Todd Harper, and Jason Pitcock from the Capital Market Subcommittee staff; Peter Roberson, Deborah Silberman, and Lawranne Stewart from Chairman FRANK's staff for all their hard work on this legislation, as well as Peter Freeman from my staff.

I urge my colleagues to support the Securities Act of 2008. I thank the chairman once again for his kind words.

I yield back the balance of my time.

Mr. KANJORSKI. 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 Pennsylvania (Mr. KANJORSKI) that the House suspend the rules and pass the bill, H.R. 6513, 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. PRYCE of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res. 344, by the yeas and nays;

House Resolution 937, by the yeas and nays;

House Resolution 1069, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

RECOGNIZING THAT WE ARE FACING A GLOBAL FOOD CRISIS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 344, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 344, as amended.

The vote was taken by electronic device, and there were—yeas 404, nays 1, answered ''present'' 4, not voting 24, as follows:

[Roll No. 570]

YEAS—404

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
Carney
Carson
Castle
Castor
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
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
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
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
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
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
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Platts
Poe
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
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
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)

NAYS—1

Paul

ANSWERED ''PRESENT''—4

Etheridge
Foxx
Herseth Sandlin
Pomeroy

NOT VOTING—24

Boucher
Cannon
Carnahan
Carter
Cazayoux
Cubin
Ellison
Engel
Gohmert
Hodes
Hulshof
Lee
Levin
McNulty
Meeks (NY)
Melancon
Peterson (MN)
Pitts
Sensenbrenner
Skelton
Slaughter
Smith (WA)
Towns
Waters

□ 1506

Ms. MOORE of Wisconsin and Messrs. SHIMKUS and PLATTS changed their vote from ''nay'' to ''yea.''

Ms. FOXX and Mr. ETHERIDGE changed their vote from ''yea'' to ''present.''

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

The result of the vote was announced as above recorded.

The title was amended so as to read: ''Concurrent resolution recognizing the disproportionate impact of the global food crisis on children in the developing world.''.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 570, I was unable to vote because I was chairing a Rules Committee meeting. Had I been present, I would have voted "yea."

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all Members present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan, their families, and all who serve in our Armed Forces.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

SENSE OF HOUSE REGARDING THE IMPORTANCE OF THE RED CROSS TO THE MILITARY

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 937, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 937, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 571]

YEAS—411

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
Carney
Carson
Carter
Castle
Castor
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
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
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
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
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Petri
Pickering
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
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
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
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Boucher
Cannon
Carnahan
Cazayoux
Ellison
Engel
Gutierrez
Hodes
Hulshof
Lee
Levin
McNulty
Meeks (NY)
Melancon
Nadler
Peterson (MN)
Peterson (PA)
Pitts
Sensenbrenner
Smith (WA)
Towns
Wilson (NM)

□ 1517

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING MIDEAST TV PROGRAMMING THAT INCITES VIOLENCE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1069, as amended, 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 gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 1069, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 1, not voting 23, as follows:

[Roll No. 572]

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
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
Carney
Carson
Carter
Castle
Castor
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
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
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
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
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
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
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
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
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—1

Paul

NOT VOTING—23

Boucher	Israel	Peterson (MN)
Cannon	Kennedy	Pitts
Carnahan	Latta	Sensenbrenner
Cazayoux	Lee	Sestak
Ellison	Levin	Smith (WA)
Engel	McNulty	Towns
Hodes	Meeks (NY)	Young (AK)
Hulshof	Melancon	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1526

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

The result of the vote was announced as above recorded.

The title was amended so as to read: ''Resolution condemning the broadcasting of incitement to violence against Americans and the United States in media based in the Middle East, calling for the designation of al-Aqsa TV as a Specially Designated Global Terrorist entity, and for other purposes''.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3667, MISSISQUOI AND TROUT RIVERS WILD AND SCENIC RIVER STUDY ACT OF 2008

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110–834) on the resolution (H. Res. 1419) providing for consideration of the bill (H.R. 3667) to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System, which was referred to the House Calendar and ordered to be printed.

PROVIDING HOUSE EMPLOYEES WITH OPTION OF RECEIVING ELECTRONIC PAY STUBS

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1207) directing the Chief Administrative Officer of the House of Representatives to provide individuals whose pay is disbursed by the Chief Administrative Officer by electronic funds transfer with the option of receiving receipts of pay and withholdings electronically, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1207

Resolved,

SECTION 1. PROVIDING INDIVIDUALS PAID BY CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE OF REPRESENTATIVES WITH THE OPTION OF RECEIVING RECEIPTS OF PAY ELECTRONICALLY.

(a) IN GENERAL.—The Chief Administrative Officer of the House of Representatives shall take such steps as may be necessary to provide each individual whose pay is disbursed by the Chief Administrative Officer by electronic funds transfer with the option of receiving the receipt of the pay and the accompanying withholdings electronically, the option of viewing electronically the individual's employee statement required under section 6051 of the Internal Revenue Code of 1986, and the option of revising electronically (to the extent permitted under applicable law and regulations) the individual's number of deductions and withholdings under that statement and information relating to the deposit of the individual's funds with the financial institution to which the electronic funds transfer is made.

(b) ELECTRONIC FUNDS TRANSFER DEFINED.—In subsection (a), the term ''electronic funds transfer'' has the meaning given such term by section 3332 of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask that all Members have 5 legislative days in which to revise and extend their remarks in the RECORD on this bill.

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

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself as much time as I may consume.

Mr. Speaker, this resolution is a commonsense step in modernization of our pay system. It would offer Members and staff the option, not the requirement, of receiving their pay stubs electronically. It would also make W–2 forms available electronically and allow individuals to change the deductions and withholdings, and to electronically redesignate the depository institutions for their electronic deposits.

Not only will this simplify pay records for Members and staff, it will reduce paper waste to support the Speaker's Green the Capitol Initiative.

This resolution has strong bipartisan support. Once it has been adopted in the House, and the committee will work with the CAO to ensure a smooth transition.

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

Mr. EHLERS. Mr. Speaker, I rise in strong support of H. Res. 1207, which would enable House staff to receive their pay stubs electronically and encourages the CAO to make further technological improvements that would enable employees to make changes in withholding, deductions or deposits electronically.

Increasingly, individuals are using technology to keep track of their financial information, and putting key data such as compensation information online will assist many in their efforts to keep track of their finances.

With the impact of junk mail, paper bills and other items delivered via postal mail, reducing the amount of wasted paper, even by a single item each month, would be good for the environment and likely will be a welcome change for many employees.

□ 1530

In this spirit of developing online tools for House staff, I also introduced an amendment to this bill that would direct the CAO to allow employees to make changes in withholdings, deductions, or deposits electronically. Not only would this service be of great use to employees, but it would also lessen the burden on payroll counselors who currently make these types of routine adjustments manually, which would in turn free them up to handle more complex questions that are not suited to a self-service model.

I am pleased that the committee voted unanimously to accept the amendment. I thank the chairman for his leadership in bringing this bill to the floor. I urge my colleagues to vote in favor of H. Res. 1207.

I reserve the balance of my time.

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

Mr. EHLERS. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. I would like to thank Chairman BRADY, Ranking Member EHLERS for bringing this bill to the floor and for their kind comments. What they have said is what we are attempting to do, which is to bring an important innovative and needed resolution to the House for consideration. I would also like to thank Alec Hoppes of the Committee on House Administration for working with my staff to bring this bill forward. A separate thank you to Mr. EHLERS for offering his amendment which makes the bill an even better bill by including additional services to be made available to House employees.

While many private companies, corporations, and State governments like Florida, Idaho, Kentucky, South Dakota, and Nebraska give the option of accessing employee pay stubs electronically, e-stubs, the U.S. House of Representatives does not. Safer than receiving pay stubs by snail mail, electronically accessing pay stubs saves money and an immeasurable amount of paper.

H. Res. 1207 would simply direct the Chief Administrative Officer of the House of Representatives to take the steps necessary to provide House Members, their staff, committee staff, legislative counsel, Sergeant at Arms employees, and all other employees whose pay is disbursed by the Chief Administrative Officer of the House the option of accessing their pay stub electronically.

Moving forward with technological advances means going paperless with pay stubs as so many employers have already done. I urge my colleagues in

supporting this nonpartisan sensible resolution and join with me in choosing to access our pay stubs electronically, and I ask my colleagues to vote for the bill.

Mr. BRADY of Pennsylvania. I would also like to thank the gentlelady from North Carolina for a very sensible bill.

I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I have no further comments on the bill, but I do have further comments to make.

In particular, all of us have spent 5 weeks or thereabouts home with our constituents and were impressed at how seriously our constituents and the Nation is taking the energy crisis that we face. There is a huge concern about this, particularly with the cost of gasoline.

In one example, a young woman in my district lives on a farm. It's hard today to make a living on a farm, and so she has a job off the farm as well. Their only vehicle is a pickup with, of course, very poor gas mileage. And she's faced with a position where the cost of driving to work is almost greater than the pay that she receives. This is one small example, and I believe that it is absolutely urgent for the House of Representatives to address this issue.

There are several bills out there regarding the energy crisis. There's been a lot of discussion about it. I think the only way I can summarize it after looking at the various bills is to say, what we really need is all of the above. Some members are focused totally on drilling, some are totally focused on alternative forms of energy, some on conservation. But what we really need is a comprehensive bill which addresses all of the above, because we are in a situation where we cannot depend on oil for very many more years.

Back in 1954 scientists predicted that by 1970, American oil production would peak, and they were right on the mark. In 1970, American oil production peaked. It's been going down ever since.

That same research projected that in about 2005, or 2010, world oil production would peak, and it looks like we've entered that period, and that's one reason why prices are going up.

We clearly have to develop the resources we have in this country. We clearly have to develop alternative forms of energy, particularly related to solar. An incredible amount of solar energy hits the Earth every day from the sun, to the point that in one year we get more energy from the sunlight hitting our planet than is contained in all of the resources of energy and the fossil fuels that are in the Earth.

So clearly there are ways to address this. We must address this. I just want to speak out and say it's absolutely essential for us to develop new approaches to energy. We certainly ought to put the money into developing alternative forms of energy. We have to put the money into developing drilling techniques that are safe, environmentally safe, and are not going to pollute the waters if they are offshore. We really have to take this seriously.

And I think it's reached the point where we can't just throw spitballs or snowballs at each other, but must simply say that we have to do all of the above approaches to energy production, and develop legislation that does that. I am concerned that the legislation being proposed by the leadership of the House will not do all of the above. It will only do part of it.

So I urge all of the Members to work together to really solve this problem and show the people of this country that we can deal with an important problem like this. And it's my pleasure to raise this issue, and we will continue discussions on that in the House.

As we know, the minority party discussed it every day in the House during the recent recess, out of a sense of disappointment that we had taken the August recess without first dealing with the energy bills that were available for us to consider. We should carry that on and make sure that we do address this issue, especially before we adjourn for the next recess.

I thank the group here for listening, and I hope this will result in some action on the part of the House of Representatives.

I don't believe I have any further speakers, and if the gentleman from Pennsylvania doesn't, I will, at this point, yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, again, I thank the gentlelady for her very responsive bill, and I thank the gentleman from Michigan for his remarks even though it had nothing at all to do with this bill whatsoever.

And, Mr. Speaker, I urge all Members to support this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and agree to the resolution, H. Res. 1207, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

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

The point of no quorum is considered withdrawn.

HOUSE RESERVISTS PAY ADJUSTMENT ACT OF 2008

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6608) to provide for the replacement of lost income for employees of the House of Representatives who are members of a reserve component of the Armed Forces who are on active duty for a period of more than 30 days, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6608

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 ''House Reservists Pay Adjustment Act of 2008''.

SEC. 2. REPLACEMENT OF LOST INCOME FOR HOUSE EMPLOYEES ON ACTIVE DUTY UNDER INVOLUNTARY MOBILIZATION ORDER.

(a) PAYMENT.—

(1) IN GENERAL.—For each active duty month of an eligible employee of the House of Representatives who is also a member of a Reserve component of the Armed Forces, the Chief Administrative Officer of the House of Representatives shall pay to the employee the amount by which—

(A) the amount of regular compensation the employee would have received from the House of Representatives if the month had not been an active duty month, exceeds (if at all)

(B) the total monthly military compensation paid to the employee for the month by the Secretary of Defense.

(2) ELIGIBILITY.—An employee of the House of Representatives is eligible for purposes of paragraph (1) with respect to an active duty month if the employee was an employee of the House of Representatives during each day of the 90-day period which ends on the day on which the employee reports for active duty under an involuntary mobilization order.

(b) DETERMINATION OF COMPENSATION EMPLOYEE WOULD HAVE RECEIVED.—

(1) IN GENERAL.—For purposes of subsection (a)(1), the amount of regular compensation an employee would have received from the House of Representatives for a month shall be equal to the amount of compensation the employee received from the House of Representatives for the base month (excluding any bonus or incentive payment made during the month), increased (in a compound manner) by any cost-of-living adjustments applicable to the compensation of employees of the Office of the Chief Administrative Officer for months occurring after the base month.

(2) BASE MONTH DEFINED.—For purposes of paragraph (1), the term ''base month'' means, with respect to an employee, the most recent month for which the employee received compensation from the House of Representatives which precedes the active duty month.

(c) SPECIAL RULES REGARDING AMOUNT OF PAYMENT.—

(1) REDUCTION FOR AMOUNTS PAID FROM OTHER SOURCES AS REPLACEMENT OF LOST INCOME.—The Chief Administrative Officer shall reduce the amount of any payment made to any individual under subsection (a) with respect to an active duty month by the amount of any payment received by the individual under section 910 of title 37, United States Code, or any other source that is provided to replace income lost by the individual during the month.

(2) MINIMUM AMOUNT REQUIRED FOR PAYMENT.—The Chief Administrative Officer shall not make a payment otherwise required under this section if the amount of the payment (as determined under subsection (a), taking into account the reduction made under paragraph (1)) is not greater than $50.

(d) DEFINITIONS.—In this section—

(1) the term ''active duty month'' means, with respect to an employee of the House of Representatives who is also a member of a Reserve component of the Armed Forces, any month during which the employee is not able to perform duties for the office of the employee's employing authority because the employee is on active duty under an involuntary mobilization order for a period of more than 30 days;

(2) the terms ''Armed Forces'', ''active duty for a period of more than 30 days'', and ''Reserve component'' have the meaning given such terms in section 101 of title 37, United States Code; and

(3) the term ''total monthly military compensation'' has the meaning given such term in section 910(e)(2) of title 37, United States Code.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the applicable accounts of the House of Representatives such sums as may be necessary for payments under this section.

(f) EFFECTIVE DATE.—This section shall apply with respect to active duty months beginning on or after the date of the enactment of this Act.

SEC. 3. ENSURING CONSISTENCY WITH CODE OF OFFICIAL CONDUCT.

Clause 8 of rule XXIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

''(d) Nothing in this clause may be construed to prohibit the disbursement or receipt of any payment authorized under section 2 of the House Reservists Pay Adjustment Act of 2008.''.

SEC. 4. CLARIFICATION OF ELIGIBILITY OF SURVIVORS FOR HOUSE GRATUITY.

The last undesignated paragraph under the center heading ''House of Representatives'' and the center subheading ''Contingent Expenses of the House'' in the first section of the Legislative Branch Appropriation Act, 1955 (2 U.S.C. 125), is amended by adding at the end the following: ''Nothing in this paragraph may be construed to prohibit the Chief Administrative Officer from paying a gratuity to the widow, widower, or heirs-at-law of an employee of the House who dies during an active duty month (as defined in section 2(d) of the House Reservists Pay Adjustment Act of 2008).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask that all Members have 5 legislative days in which to revise and extend their remarks in the RECORD on this bill.

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

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself as much time as I may consume.

Mr. Speaker, H.R. 6608 provides supplemental income to House employees who are Armed Forces reservists and who are involuntarily called to active duty. The House will supplement the active military duty pay by making up the difference between the employee's military salary and the employee's House salary prior to their call to active service.

To be eligible for the supplemental income, employees must be employed by the House for at least 90 days prior to military activation. The cost of the pay supplements will come from appropriate House accounts and not charged to the employing office. In addition, the employee's salary will be subject to the cost of living adjustments in the same as other House employees.

Mr. Speaker, I introduced this bill to address family hardships caused by some reservists and National Guard members being deployed for the second or third time. These servicemen and women earn military wages while on active duty and must leave their families and jobs, often for an undetermined and unpredictable amount of time.

The private sector is supporting our soldiers and sailors by continuing to pay the difference between their usual salary and their active duty pay. This bill will offer the same for House employees.

This is a good bill with strong bipartisan support that honors the devoted public service of our House employees. Our active duty reservists should not endure undue financial hardship for heeding our Nation's call to service.

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

Mr. EHLERS. Mr. Speaker, I rise to support H.R. 6608, the House Reservists Pay Adjustment Act. I thank Chairman BRADY for his leadership on this issue, and I'm proud to join with him as a cosponsor on this important bill.

The men and women of the United States Armed Forces make many sacrifices to protect our freedom. They are asked to spend time away from their families, to put themselves in harm's way, and, in the case of some House staff, to accept a salary that is less than what they would normally earn in civilian life during the period that they are on active duty. The gap in pay experienced by these servicemen and women often causes undue hardship on themselves and their families and increases the already heavy burden placed upon them as they leave for battle.

I am pleased to be able to find any reasonable method of assisting House staff, who are also members of the military, with the personal sacrifices they are asked to make to defend their country. This bill would compensate active servicemen and women for the difference in their combat pay and their official House salaries. These individuals have found not one but two careers that serve the public, and they should not experience a financial penalty for doing so.

I congratulate Chairman BRADY for introducing this bill, and I urge my colleagues to join me in supporting H.R. 6608.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I will inquire of the gentleman if he has any other speakers.

Mr. EHLERS. I have another speaker. Myself.

Mr. BRADY of Pennsylvania. Mr. Speaker, I continue to reserve.

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

Continuing with the discussion of energy, Mr. Speaker, let me just say I have a deep interest in the topic and have had for many years. Most of my colleagues here remember and recognize that I am a physicist, and physicists deal with energy all the time.

One of the biggest problems that we address is that energy is intangible. The public simply doesn't recognize what it is, how its obtained, what the limitations are, and so forth; and I think we should do a better job of educating them about these problems.

Another aspect is that energy is critical to every aspect of life.

As an example, we talk about the agricultural revolution. But very few people recognize that the agricultural revolution, even though attempted a number of times many, many years ago, did not actually succeed until people learned to domesticate their animals so they could do the plowing and thresh the wheat and so forth.

The second major revolution in history is the industrial revolution, once again directly tied to the use of energy. It's the first use of nonhuman and nonanimal energy with hydropower to drive the mills, later coal to drive the steam engines and so forth. And so the major revolutions in history took place in connection with the use of energy and the development of new forms of energy.

We are now at a critical point in our life as a Nation and as a planet. If we do not recognize the changes required in our energy use, we are going to retrogress. Instead of advancing, we will lose the advantages we have from our copious amounts of energy and end up in a state where we have less energy than we had before. This will have disastrous economic effects, unless we change our direction.

If you look back over history, virtually every recession has been tied to a dramatic increase in the cost of energy, which is something that we also have occurring now.

So this is a serious problem, something that should be addressed immediately, and should not wait for next year. There are a number of excellent proposals out there from both parties. I would hope that we would winnow these out and come up with proposals that truly accomplish what we have to do, and that is to preserve our standard of living by developing new sources of energy, certainly developing those that we already have and know about which we are not really using properly.

□ 1545

It's essential that we do this, but this isn't going to happen by itself. We need help from the Congress to lay down the guidelines for the people in the energy industry, to researchers in the national

labs and other labs to really tackle this problem and come up with new ideas.

I don't care if it's wind energy, which happens to be a part of solar energy; whether it's wave energy, which is also derived from solar energy; or whether it's photovoltaic cells. Naturally it helps that very soon photovoltaic cell research will be so good that we will have photovoltaic shingles on every house because we can make them at a cost that eventually will be less than that of the asphalt shingles. If we do that, every house becomes a power-generating system, and much of the electrical needs of each homeowner can be met just by the use of solar shingles on the roof of their home.

This would be a tremendous boon to our country. Relatively free energy; you just buy the shingles which you have to buy anyway, and you get essentially free energy out of it.

So there are many options that we should be pursuing, and we should be encouraging and helping as a Congress, so that we can help the public that is becoming desperate about what to do about the cost of energy and the price of energy.

So I sincerely hope our Congress will tackle this issue and deal with it, and meet the needs of the public and of the planet at the same time.

With that, if you have no further speakers, I'm pleased to yield such time as she may consume to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Thank you, Congressman EHLERS. I just want to add my comments to the ones that you've made.

I think that while I'm very much in support of this bill and we want to do whatever we can to help our employees bridge the gap between their military pay and the pay that they would receive here, I think one of the best things we can do for all the citizens of this country is to bring down the high price of gasoline, and that would serve everybody very well.

We can do that. We know we can do that. All we have to do is announce that we are going to expand the supply of American-made energy, and we will immediately bring down the price. That will help all of our citizens, which is what every Member of this Congress should be doing.

We will get to the alternatives. We can be completely energy independent in this country, but we can't do it overnight. In order to get to energy independence with alternatives, which Republicans support, we must supply more gas and oil in the short term, and I support those efforts.

I ask the Speaker, again, to bring forth the American Energy Act so that we can have an up-or-down vote on it and let the American people know are you a pro-American energy person or an anti-American energy person. That's the issue that we're facing.

Mr. BRADY of Pennsylvania. Mr. Speaker, I find myself a little miffed that they would have to politicize this soldier bill, but I understand we have two soldiers on that side of that bill.

With that, Mr. Speaker, I urge all Members to support this bill.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 6608.

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. BRADY of Pennsylvania. 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.

DANIEL WEBSTER CONGRESSIONAL CLERKSHIP ACT OF 2008

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6475) to establish the Daniel Webster Congressional Clerkship Program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6475

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 ''Daniel Webster Congressional Clerkship Act of 2008''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Each year, many of the most talented law school graduates in the country begin their legal careers as judicial law clerks.

(2) The judicial clerkship program has given the judiciary access to a pool of exceptional young lawyers at a relatively low cost.

(3) These same lawyers then go on to become leaders of their profession, where they serve a critical role in helping to educate the public about the judiciary and the judicial process.

(4) The White House, the administrative agencies of the Executive Branch, the Administrative Office of the United States Courts, the Federal Judicial Center, and the United States Sentencing Commission, all operate analogous programs for talented young professionals at the outset of their careers.

(5) The Congress is without a similar program.

(6) At a time when our Nation faces considerable challenges, the Congress and the public would benefit immeasurably from a program, modeled after the judicial clerkship program, that engages the brightest young lawyers in the Nation in the legislative process.

(7) Accordingly, the Congress herein creates the Daniel Webster Congressional Clerkship Program, named after one of the most admired and distinguished lawyer-legislators ever to serve in the Congress, to improve the business of the Congress and increase the understanding of its work by the public.

SEC. 3. DANIEL WEBSTER CONGRESSIONAL CLERKSHIP PROGRAM.

(a) SELECTION COMMITTEES.—As used in this Act, the term ''Selection Committees'' means—

(1) the Committee on Rules and Administration of the Senate; and

(2) the Committee on House Administration of the House of Representatives.

(b) ESTABLISHMENT OF PROGRAM.—There is hereby established the Daniel Webster Congressional Clerkship Program for the appointment of individuals who are graduates of accredited law schools to serve as Congressional Clerks in the Senate or House of Representatives.

(c) SELECTION OF CLERKS.—Subject to the availability of appropriations, the Selection Committees shall select Congressional Clerks in the following manner:

(1) The Committee on Rules and Administration of the Senate shall select not less than 6 Congressional Clerks each year to serve as employees of the Senate for a 1-year period.

(2) The Committee on House Administration of the House of Representatives shall select not less than 6 Congressional Clerks each year to serve as employees of the House of Representatives for a 1-year period.

(d) SELECTION CRITERIA.—In carrying out subsection (c), the Selection Committees shall select Congressional Clerks consistent with the following criteria:

(1) Each Congressional Clerk selected shall be a graduate of an accredited law school as of the starting date of his or her clerkship.

(2) Each Congressional Clerk selected shall possess—

(A) an excellent academic record;

(B) a strong record of achievement in extracurricular activities;

(C) a demonstrated commitment to public service; and

(D) outstanding analytic, writing, and oral communication skills.

(e) PROCESS.—After a Congressional Clerk is selected under this section, such Congressional Clerk shall then interview for a position in an office as follows:

(1) For a Congressional Clerk selected under subsection (c)(1), the Congressional Clerk shall interview for a position with any office of any Committee of the Senate, including any Joint Committee or Select and Special Committee, or any office of any individual Member of the Senate.

(2) For a Congressional Clerk selected under subsection (c)(2), the Congressional Clerk shall interview for a position with any office of any Committee of the House of Representatives, including any Joint Committee or Select and Special Committee, or any office of any individual Member of the House of Representatives.

(f) PLACEMENT REQUIREMENTS.—The Selection Committees shall ensure that Congressional Clerks selected under this section are apportioned equally between majority party and minority party offices.

(g) COMPENSATION OF CONGRESSIONAL CLERKS.—Each Congressional Clerk selected under this section shall receive the same compensation as would, and comparable benefits to, an individual who holds the position of a judicial clerkship for the United States District Court for the District of Columbia within 3 months of graduating from law school.

(h) REQUIRED ADHERENCE TO RULES.—Each Congressional Clerk selected under this section shall be subject to all laws, regulations, and rules in the same manner and to the same extent as any other employee of the Senate or House of Representatives.

(i) EXCLUSION FROM LIMIT ON NUMBER OF POSITIONS.—A Congressional Clerk shall be

excluded in determining the number of employees of the office that employs the Clerk for purposes of—

(1) in the case of the office of a Member of the House of Representatives, section 104 of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 92); or

(2) in the case of any other office, any applicable provision of law or any rule or regulation which imposes a limit on the number of employees of the office.

(j) RULES.—The Selection Committees shall develop and promulgate rules regarding the administration of the Congressional Clerkship program established under this section.

(k) MEMBER DEFINED.—In this section, the term ''Member of the House of Representatives'' includes a Delegate or Resident Commissioner to the Congress.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 2009 and each succeeding fiscal year from the applicable accounts of the House of Representatives and the contingent fund of the Senate such sums as necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask that all Members have 5 legislative days in which to revise and extend their remarks in the RECORD on this bill.

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

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6475, which would establish the Daniel Webster Congressional Clerkship Program. This program would bring the most talented law school graduates from across the country to Washington, D.C., and offer them the opportunity to be employed as congressional clerks in the House of Representatives or the Senate.

This program is modeled after the judicial clerkships offered in the Federal courts. H.R. 6475 would offer no fewer than six 1-year clerkships in each Chamber. The clerks would be apportioned equally between majority and minority offices within each Chamber. H.R. 6475 would give recent law grads invaluable insight into the functions and operations of the Federal legislature, and I urge my colleagues to support this program.

I would also like to thank Ms. LOFGREN and Mr. LUNGREN for introducing the bill in the 109th Congress, and Ms. LOFGREN for bringing it up and Mr. LUNGREN for being a prime cosponsor.

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

Mr. EHLERS. Mr. Speaker, I rise in support of H.R. 6475, which would establish the Daniel Webster Congressional Clerkship Program within the House of Representatives.

Instituting this program will create a talented pool of young attorneys within the House at a fraction of the cost of obtaining similar talent through the hiring process. Many of these exceptional individuals will become leaders of their chosen profession. By offering them a judicial clerkship, we may even inspire some to embark upon a congressional career in lieu of life in a law firm or corporation.

For these young men and women, the ability to obtain a judicial clerkship in the very body where laws are created will be an invaluable experience. For the House, it will be a chance to tap into the best and brightest legal minds just as they begin their careers.

While we cannot offer the same compensation package that many top law firms offer, we can offer an opportunity to experience the legislative process in a way that is only possible within the Halls of Congress. Whether they continue their careers in the private or public sector, a greater knowledge and appreciation of the legislative process would be enormously useful to the participants in this program as they become part of the fabric of our Nation's judicial system.

I thank my colleagues on the House Administration Committee, and especially thank Congressman LUNGREN and Congresswoman LOFGREN for introducing this bill.

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

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent for Ms. ZOE LOFGREN to control the remaining time on this bill.

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

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank not only Congressman DANIEL E. LUNGREN for cosponsoring this bill with me, but also note the important support of Dean Larry Kramer, the dean of the Stanford Law School, whose original idea this was, and we two California Members took it up. I think that our country will be enriched by the enactment of this measure.

It has been mentioned, and we all know, the top law graduates of the top law schools in the country are recruited to serve as clerks in the judicial branch, and as a consequence of that experience, those top legal minds then go on to fabulous careers, understanding the law from the point of view of the judiciary. Well, there's nothing wrong with that, but we also want to have top legal minds that relish and appreciate the law from the point of view of the legislative branch, and that is really the grit and the intent of this measure.

As has been mentioned I'm sure, the program created by the bill will have clerks chosen from a pool of exceptional law school graduates who have demonstrated commitment to public service. No fewer than six clerks will be chosen for each Chamber. The clerks will be divided equally among the parties, and they will receive the same pay and equivalent benefits as first-year law clerks in the U.S. District Court for the District of Columbia.

As the dean of Stanford Law School, Larry Kramer, said, ''This bill will serve an important role by educating young lawyers and future leaders of the profession about the legislative process. It will be enormously beneficial for both the profession and the public if some of the Nation's brightest young lawyers begin their careers in the legislature and so develop and can convey to the public an appreciation of Congress and the legislative process equal to that lawyers have shown for courts and the judicial process.''

I would like to mention that we were not able to include the Congressional Research Service in the legislation at this time. However, if there is a bipartisan effort to achieve that in the future, I would welcome that collaboration and understand we may yet have the opportunity to do that.

So in furtherance of this bill, I would hope that our colleagues would support it. I would again like to thank my colleague, the former Attorney General from California, DAN LUNGREN, for his cosponsorship.

I reserve the balance of my time.

Mr. EHLERS. I yield such time as he may consume to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I want to thank the gentleman from Michigan, I want to thank our chairman of the committee, I want to thank Ms. ZOE LOFGREN, who's Chair of one of the subcommittees I serve on in Judiciary, for all the effort that they've put into this. This is a good idea.

Some people who likely will review our comments here would ask the question: Aren't there enough lawyers in Congress? Actually, there are less lawyers now than there were 10 or 20 years ago, but I think that is an interesting question.

Ms. ZOE LOFGREN of California. Would the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I'd be happy to yield.

Ms. ZOE LOFGREN of California. I would just note that there's always room for good lawyers, and I thank the gentleman for yielding.

Mr. DANIEL E. LUNGREN of California. I understand that as well, but some would wonder why we need the influence of more law graduates here, and that's misunderstanding what we're attempting to do here.

Right now both the judicial and the executive branches have clerkship programs which are accessible to those who are graduates of our top law schools. This is particularly pronounced in the area of judicial clerkships. It is considered quite prestigious

and an honor for someone to serve a judicial clerkship.

As the gentlelady from California mentioned, it was the dean of the law school of Stanford University, Larry Kramer, who first raised this issue with me and with her. It was interesting to hear from the law school dean because his message was not what I expected, and he has been quoted here on the floor.

Let me give you a more extended quote of what he said, which is: Clerking for a trial or appellate judge provides young lawyers with an invaluable insider's understanding of the judicial decision-making process. Not surprisingly, judicial clerkships leave young lawyers with a highly court-centered view of the law and the legal system, and precisely because these are the top law school graduates, former law clerks go on disproportionately to assume leadership positions in the bar and in the profession—and again quoting Dean Kramer—explaining in part why the legal profession in this country is heavily tilted toward the courts.

Now, we can argue about whether they are tilted to the right or to the left or they're tilted properly, but the fact of the matter is it is a court-centered view of the law which I think interferes with the delicate balance established by our Founding Fathers in the Constitution, which saw there were worthy and valuable distinctions among the three branches of government.

□ 1600

And we can bemoan the fact that this is the case; we can talk about judges on the bench and we can talk about people not taking their constitutional obligations seriously when they take their oath of office; but if we really want to get down to it, it seems to me this is one of the undue influences that's out there. And so the idea was, as Dean Kramer said, that it would be enormously beneficial for both the profession and the public if some of these young lawyers began their careers in the legislature and, as he said, developed an equal sense of the national legislature. We're not saying that is to disregard or in any way scale down their appreciation for the judicial branch, but rather to raise up their appreciation of the understanding of how this place works—and by this place, I mean the institution of the House of Representatives and the institution of the United States Senate. It would bring them an understanding of the workings of Congress that they would then bring to bear as they move on in their careers, both within the legislature and other branches. And I don't see how that would not be beneficial to this country, healthy for the body politic, and probably end up with better legislation overall.

So I would hope that Members would understand what we're attempting to do here. We're attempting to establish, on an equal footing, a clerkship for top graduates of law schools around the country that they currently have an opportunity to participate in in the executive and the judicial branch. It would be beneficial to us, it seems to me, it would be beneficial to them, but more importantly, it would be beneficial to the public.

And for those who are concerned that this might cut into their MRA, by the terms of the legislation, it would not in any way affect the collective or individual MRAs that Members receive at the present time. As was mentioned before, it would be done on a bipartisan basis so that we would all have the opportunity to benefit from this. And similarly, these clerks would have the opportunity to benefit from exposure to both sides of the aisle.

So I would hope that we would get a unanimous vote in favor of this. This is something that I think will improve the quality of the discussion and the quality of the work that we do around here. But more importantly, I would hope that it would have a lasting impact on the understanding within the bar itself of the proper workings and functionings of the legislative branch, and in fact the quality of work that is provided in the legislative branches. And so I thank the gentleman from Michigan for the time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I agree with the comments made by my colleague from California (Mr. DANIEL E. LUNGREN). And indeed, this is not a measure that does harm or damage to the judiciary or to the executive branch, but it really is to elevate article I. Sometimes we see our colleagues with little buttons that say ''article I'' on them, and we want to make sure that the important role of the legislative branch is understood by these top legal graduates who will go on to careers in the judiciary, in public service, in law schools and the like.

I want to make clear not only that this has bipartisan support, but that it will be administered in a totally bipartisan way. The name, ''The Daniel Webster Congressional Clerkship Program,'' really selects somebody who was an honored ancestor of the legislative process, not a contemporary, but someone we can look back on with esteem.

The Clerks will be selected by a selection committee that will consist of the committee of Rules and Administration of the Senate, and the Committee on House Administration of the House. And as was mentioned by my colleague and myself, six clerks will be evenly divided between the two parties.

Just by way of example, and without mentioning names, sometimes the courts do not necessarily understand how we do business here. And I'll give three examples recently mentioned to me by judicial officers.

Colloquies on the floor of the House. We know when we stand up to do a colloquy it is to set something in the RECORD for a purpose. It is by agreement, but it has a meaning that is meant to stand as the legislation moves forward. Courts don't always understand the meaning of a colloquy. And I think if we had some of these excellent law students here who helped to write a colloquy and were on the floor as it was being delivered, they would understand and be able to impart to the judicial branch the importance of a colloquy.

Example number two, committee reports. There are things that committees agree on completely but are not actually part of a bill. And they don't need to be part of a bill because they can be implied by the legislation. A committee report doesn't have the force of law, but it should be enormously persuasive to a court looking for the meaning of legislation if the parties—sometimes fractious parties—can agree to language in a committee report, that means something. And I think if we had some of these excellent law students here helping in the committee process to understand how that comes about and the import that it has, it will help them to tell a judge—or if they are a judge later—what that means and how to interpret the law.

And legislative findings, the role of legislative findings; you know, obviously they're precursors to the language itself.

These are just three small examples of how the Congress and its will is not always upheld by the courts, not through any chicanery, not through any deviousness, but just a lack of full appreciation for how the legislative process works.

And so I think this bipartisan measure is a step forward in seeing that that trend in American law interpretation does change, both in the courts, and also in the teaching of law in the Nation's top law schools.

So while this may seem not an earth-shattering measure in some ways, it will have import long after the Members here are retired and reading about the Congress in the paper. What we do here with this clerkship bill will improve the law in America. And therefore, I hope, as Mr. LUNGREN does, that we will have a unanimous vote.

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

Mr. EHLERS. Mr. Speaker, I wish to commend the gentlewoman from California and the gentleman from California on this bill. I think it's an excellent idea. And I have good grounds for saying that because, as I mentioned earlier, I'm a scientist, and the scientific societies of America, for a number of years, have been supporting fellowship programs in which scientists will come and spend one year in the House of Representatives, and thereby learn something about how laws are made. And it has had a profound effect on the scientific community in this country and it has also had a profound effect on the Congress. Some of my best employees have come from that program. If they have worked in the

Congress for a year, either in my office or another office, and I have an opening, they fit in beautifully because so many of the issues I deal with are scientific. So I'm sure this clerkship proposal will be an outstanding program.

And I, frankly, think six clerkships is too little, especially for both Chambers. And I hope that some day we're talking in terms of perhaps 20 or 30 for the two Chambers together because I'm sure it is going to be successful.

With that, I yield what time he may consume to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

And again, I appreciate the comments of the gentlelady from California. However, I would be remiss if I didn't respond a little bit to what she said about colloquies and committee reports.

We at least ought to enter into the RECORD the Scalia view of things, which is, law is what is in the law, not what's in the committee report or the colloquy.

One of the important things he tries to point out is that in some ways it would be unfair to members of the public to pass a law with intentional ambiguity that can only be interpreted by a committee report since the average citizen probably doesn't have access to that. And his commonsense notion is that Members should strive to make laws understandable by the language that they have in them. And it is often misunderstood as to his interpretive analysis of law and the Constitution when he talks about original understanding.

What he is basically saying is that when you have a law or constitution that is presented to the people, they can only be held to the usual and customary understanding of the words as they are in the law, otherwise you basically are fooling the people.

Now, if there is a necessary ambiguity, obviously a colloquy or a committee report aids in the interpretation of understanding what it was in terms of the meaning of the words at that time. But I understand the gentlelady may have a slightly different view of the Constitution than Justice Scalia, as some do, but I thought it important that we try and understand that we, as legislators, ought to strive to put the precise words we want into the law because too many times on this floor I've heard people say, don't quibble about those words, we'll let the courts decide what it is. And having been a trial lawyer—not necessarily a plaintiff's lawyer, although I have done that in my time as well—the difference between one word, two words, or three words, or a clause or a sentence in a statute can make all the difference in the world. And I would just hope that we would be attentive to our responsibilities and disciplined in our actions such that we try and choose the words precisely that carry the meaning that will give the average citizen an understanding of what we're doing here.

Ms. ZOE LOFGREN of California. Will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I would be happy to yield to the gentlelady.

Ms. ZOE LOFGREN of California. As the gentleman knows, I have substantial disagreements with Justice Scalia and his interpretation of the Constitution.

Mr. DANIEL E. LUNGREN of California. Somehow I thought that might be the case.

Ms. ZOE LOFGREN of California. You thought that might be the case. But the point I was making on colloquies and committee reports is this: Justice Scalia says—and I think properly—that the role of the judiciary is to interpret the Constitution and the law, not to make it up themselves. And so to the extent that there is unintended ambiguity in a law that is written by the Congress where the committee report or colloquy can give the court some insight into what the intentions were on the part of the legislative body, then that is a helpful thing. And understanding how that develops would be enormously useful.

There are times, as the gentleman knows, where ambiguity is the oil that makes the legislative process work. I remember Wilbur Mills suggesting there could not be an agreement on what Medicare would cover, that it would cover a ''spell or illness.'' And maybe that was necessary in 1965, but it was not the kind of ambiguity that could have been resolved through a colloquy.

And I thank the gentleman.

Mr. DANIEL E. LUNGREN of California. Reclaiming my time, I would just say I remember an instance about 25 years ago on the floor here dealing with a matter, the Bankruptcy Act. And the late, great chairman of judiciary, Peter Rodino, got up and gave his interpretation of it which was contrary to the interpretation we had. So every time he would get up to give his colloquy I would get up to give ours to make sure that when the judges looked at it they would see there were two contrary positions so they could decide, as they should, under the words we actually used in the statute. And I thank the gentlelady.

Ms. ZOE LOFGREN of California. Mr. Speaker, I was expecting one person here to be a speaker, that person has not shown up. So maybe I will just make a few additional comments in the hopes that their elevator can get to the second floor. And that would be that, in addition to the Dean of the Stanford law school we were advised that the progress of this bill is being watched by law professors and deans throughout the United States who have really resolved that this is going to be a very positive thing for the development of American law.

I would just note also, as Mr. LUNGREN has pointed out, we do these things sometimes very quickly. I think the addition of six top law students in each body—as the ranking member of the full committee has suggested, as time goes on maybe we will find that it works so well it should be expanded—I certainly do think, however, it is appropriate to start at this level, do an assessment. And I think our committee, the Administration Committee, will be in an ideal position to do an assessment.

But no doubt, if we have some of the smartest young lawyers in the United States here in this institution, they will not only bring the knowledge of this institution out to the world after they become top lawyers, but they will also help us become even more excellent legislators. So I think that this is a benefit that really there is no down side to it. So it has really been a pleasure to work with the bipartisan cosponsors of this bill.

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

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

First of all, let me say a few more words about energy, and perhaps your speaker will be here by that time.

But I first want to say, I think your clerkship program is an excellent idea. And I think it would have been wonderful if your clerks could have heard this discussion that you just had with the gentleman from California.

□ 1615

It's just exactly the sort of experience that they should have, and it will certainly benefit them. But I have always been impressed with the court clerks that I have encountered over the years, some of whom are good friends of mine whose entire career changed and was shaped by their experience in clerking for someone, whether it was at the State court of appeals level or the Federal judgeship level. So this without a doubt is going to be a very important bill.

I also would like to make a few concluding remarks about the energy issues, as I outlined a little while ago. This time I want to mention two sources that are wonderful energy resources, and that we should use more often and more wisely. They are energy resources, that have been in this Earth for many, many years, ever since its creation. First is nuclear; second is geothermal. Both are ample sources of energy if used properly. Both are essentially free in the sense you're not paying anyone for the energy; you're just paying for the equipment and process to extract the energy. And when nuclear energy fell on bad times in the United States almost 30 years ago and basically no one was going to build another reactor in the United States, I said this is going to last one generation because it's a decision based on emotion, not on reality or on the facts. And that's precisely what is happening now. After one generation, we are recognizing that we made a mistake at that

point, whereas France has put 80 percent of their electrical power in the hands of the nuclear reactor business and India has done 90 percent. They have been using nuclear power successfully at reasonable cost with no dangers, no accidents, and this indicates that we can do the same. I think that would be immensely useful.

I am particularly perturbed with the current trend to use more and more natural gas to generate electricity. You can imagine what this is going to do to the price of energy for homeowners who heat their homes with natural gas, who are going to have to pay more as natural gas becomes in shorter supply because the power plants are using such copious amounts of it. In addition to that, I note that natural gas, frankly, is too valuable to burn. It's an invaluable feedstock for the petrochemical industry, and the more we use it for other purposes, the more we increase the price of natural gas for manufacturing purposes, we reach a point now where almost all the new fertilizer factories in the world are being built in other countries, not in America, because the price of natural gas here is getting so high that it's too expensive to make fertilizer out of natural gas in our Nation, so it is manufactured in other countries.

We have made a number of mistakes in our energy policy. I would hope this Congress, before the end of this session, would resolve this, set us on a new track, so that we would once again return to an era of cheaper energy, and that our Nation may prosper and our people may be able to keep warm.

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

Ms. ZOE LOFGREN of California. Mr. Speaker, I have said really all I have to say on the Daniel Webster Congressional Clerkship Program of 2008. As mentioned, this will be a tremendous improvement to the development of American law, and I have given the support that has been expressed for the measure here today on the floor. I am hopeful that we will have a unanimous vote for this important measure.

I thank the chairman of the committee, Mr. BRADY, for his tremendous support on this and in every way, as well as the ranking member, Mr. LUNGREN. And I don't know if Mr. BRADY has anything further to add.

If not, I would simply say please vote ''yes'' on H.R. 6475.

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

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 6475.

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

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

The point of no quorum is considered withdrawn.

RURAL VETERANS ACCESS TO CARE ACT

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1527) to amend title 38, United States Code, to allow highly rural veterans enrolled in the health system of the Department of Veterans Affairs to receive covered health services through providers other than those of the Department, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1527

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 ''Rural Veterans Access to Care Act''.

SEC. 2. PILOT PROGRAM OF ENHANCED CONTRACT CARE AUTHORITY FOR HEALTH CARE NEEDS OF VETERANS IN HIGHLY RURAL AREAS.

(a) IN GENERAL.—Section 1703 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) The Secretary shall conduct a pilot program which permits highly rural veterans—

''(A) who are enrolled in the system of patient enrollment established under section 1705(a) of this title, and

''(B) who reside within Veterans Integrated Service Network 1, 15, 18, and 19,

to elect to receive covered health services for which such veterans are eligible through a non-Department health-care provider.

''(2) The election under paragraph (1) shall be made by submitting an application to the Secretary in accordance with such regulations as the Secretary prescribes. The Secretary shall authorize such services to be furnished to the veteran pursuant to contracting with such a provider to furnish such services to such veteran.

''(3) For purposes of this subsection, a highly rural veteran is one who—

''(A) resides in a location that is—

''(i) more than 60 miles driving distance from the nearest Department health-care facility providing primary care services, if the veteran is seeking such services;

''(ii) more than 120 miles driving distance from the nearest Department health-care facility providing acute hospital care, if the veteran is seeking such care; or

''(iii) more than 240 miles driving distance from the nearest Department health-care facility providing tertiary care, if the veteran is seeking such care; or

''(B) in the case of a veteran who resides in a location less than the distance indicated in clause (i), (ii), or (iii) of subparagraph (A), as applicable, experiences such hardship or other difficulties in travel to the nearest appropriate Department health-care facility that such travel is not in the best interest of the veteran, as determined by the Secretary pursuant to regulations prescribed for purposes of this subsection.

''(4) For purposes of this subsection, a covered health service is any hospital care, medical service, rehabilitative service, or preventative health service authorized to be provided by the Secretary under this chapter or any other provision of law.

''(5) For purposes of this subsection, a health-care provider is any qualified entity or individual furnishing a covered health service.

''(6) In meeting the requirements of this subsection, the Secretary shall develop the functional capability to provide for the exchange of medical information between the Department and non-Department health-care providers.

''(7) This subsection shall apply to covered health services provided during the 3-year period beginning on the 120th day after the date of the enactment of this subsection.

''(8) Not later than the 30th day after the close of each year of the period described in paragraph (7), the Secretary shall submit a report to the Committees of Veterans' Affairs of the House of Representatives and the Senate a report which includes—

''(A) the Secretary's assessment of the program under this subsection, including its cost, volume, quality, patient satisfaction, benefit to veterans, and any other findings and conclusions of the Secretary with respect to such program, and

''(B) any recommendations that the Secretary may have for—

''(i) continuing the program,

''(ii) extending the program to other or all service regions of the Department, and

''(iii) making the program permanent.''.

(b) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall implement the amendment made by subsection (a) not later than the 120th day after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Kansas (Mr. MORAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Speaker, I am glad my colleagues and I were able to work together to craft this important piece of legislation regarding our rural veterans. I want to thank the Subcommittee on Health chairman, Mr. MICHAUD of Maine, and Ranking Member Mr. MILLER of Florida for the bipartisan leadership they demonstrated in working on this important bill. And, of course, the leadership on this bill has been for many years Mr. MORAN of Kansas.

As we all know, many rural veterans face significant challenges accessing veterans' health care services due to their geographical distance from VA facilities and limited transportation services. Some of these veterans must face commutes of several hours just to utilize some simple health care services.

The Department of Veterans Affairs has acted to better provide health care service to rural veterans, and I appreciate the action they have taken in the past. However, more can and should be done to ensure that our rural veterans have adequate access to care for the services to which they are entitled.

This bill, H.R. 1527, would supplement existing VA efforts by requiring the VA to conduct a 3-year demonstration project to allow rural veterans in four Veterans Integrated Service Networks to elect to receive covered services through non-VA providers. It would allow some rural veterans to receive health care locally, eliminating

the frustration and hassle of a lengthy commute to the nearest VA medical center.

So I urge my colleagues to support H.R. 1527.

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

Mr. MORAN of Kansas. Mr. Speaker, I rise in obvious support of H.R. 1527, as amended, the Rural Veterans Access to Care Act. This is a piece of legislation that I have worked on for a number of years, and I am pleased that under the leadership of Mr. FILNER and Mr. BUYER this bill is now on the House floor, and I am excited about the opportunities that it presents to better care for veterans who live in rural America.

About 39 percent of our veterans enrolled in VA health care live in those rural areas. Many face challenges of accessing VA care because of the distances between where they live and where the facilities are located.

We are making some progress in regard to rural veterans. In the last several years, we have approved an amendment that I have offered for a number of years increasing the veterans' mileage reimbursement rate from 11 cents per mile to 28.5 cents per mile. The fiscal year 2009 Military Construction and Veterans Affairs Appropriations bill that we passed earlier this year, back in July, would increase that from 28.5 cents to 40 cents per mile. So that's one step we have taken to help our rural veterans better access health care.

Recently the VA established an Office of Rural Health and a Rural Health Advisory Committee to develop solutions to the challenges of providing health care to veterans living in rural America, and the VA continues to expand community-based outpatient clinics and will activate an additional 44 new clinics in the next 15 months, bringing the number of those clinics to more than 1,000. The VA has also increased the number of readjustment counseling service centers, the Vet Centers, nationwide with plans to open an additional 39 Vet Centers by the fall of 2009. In my home State of Kansas, we have opened an outpatient clinic this year in Hutchinson and opened a Vet Center in Manhattan, Kansas; so progress is being made.

However, despite all those efforts, the reality is that many veterans live in remote areas of the country beyond the VA's ability to construct medical facilities to care for them. The congressional district that I represent in Kansas is an example of an instance where veterans experience great difficulty in traveling to VA facilities. My congressional district is more than the size of the State of Illinois. It has more hospitals than any other congressional district in the country but not one VA hospital. Some Kansas veterans are forced to travel up to 5 hours to a VA hospital for the care they need; and, unfortunately, more often than it should be, they simply forego that care altogether.

H.R. 1527, as amended, would require the VA to conduct a 3-year demonstration project to allow highly rural veterans living in four VISNs, Veterans Integrated Service Networks, to receive the covered services through non-VA providers.

This pilot will ask the VA to explore in several regions a practical approach when the VA care is not otherwise available close by. It would give those who live the farthest from VA facilities the choice to receive their care closer to home at the local hospital or the local physician's office.

There are criteria by which a veteran must qualify to receive this kind of assistance. A veteran must live at least 60 miles from a VA clinic, 120 miles from a VA hospital, or 240 miles from a VA specialized care facility when they're seeking that kind of health care. To ensure the continuity of care, the legislation requires the VA to develop the functional capabilities to exchange veterans' medical information between the VA and non-VA providers in this pilot, and the VA will be required to report to Congress annually on the cost, upon the quality of care, and upon patient satisfaction.

Forty-four percent of our military recruits are from rural areas, as are many Guards and Reserves that our Nation has increasingly called into service. This means that rural veterans are more likely to increase in number. Allowing the most underserved of these veterans to take advantage of the existing rural health care infrastructure is a commonsense approach. This is good for the veteran. It's good for the community. It's good for the health care provider. In many of the hospitals and clinics that I represent, in the communities that I represent, an additional patient is a very important thing. Hospitals in many instances are like schools. One more student matters to the viability of our school system just as one more patient matters to the viability of the private health care providers. We have approved this concept in our appropriation bill earlier this year. In July the VA military construction spending bill approved an additional $200 million to increase access to fee-based care for veterans in areas where the VA does not offer services. And with the high price of gasoline and its impact upon our rural veterans, it's even more important that this legislation pass.

We must fully consider this practical reform for highly rural veterans living outside the VA's ability to care for them, and I urge my colleagues to support H.R. 1527.

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

Mr. FILNER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Thank you, Mr. Chairman, and thank you, Mr. MORAN, the gentleman from Kansas.

Today, Mr. Speaker, I rise to support H.R. 1527, the Rural Veterans Access to Care Act. I want to thank Congressman MORAN for introducing this bill, and I want to thank him for being a champion for rural veterans. I have never once in my career here in Congress ever seen him make a veterans issue a partisan issue.

I want to thank you for that.

Mr. Speaker, I am proud to represent a district similar to Mr. MORAN's to over 69,000 veterans. These are hard-working people who inspire future generations to serve our Nation. Many of our veterans live in rural and low-income communities. In big cities veterans are located closer together. In rural districts like mine, we have veterans that are spread out over a wide area. This makes it difficult for them to get the resources they need.

The Rural Veterans Access to Care Act will allow highly rural veterans to see a non-VA health care provider. It establishes a 3-year pilot program. Part of it will be in Colorado as well. The pilot program is a great opportunity to see the potential impact of this program on the quality of veterans and the care for veterans. This bill is important because of unique travel challenges in rural areas. Long distances, dangerous terrain, unpredictable weather can make it very difficult to get to a VA facility.

□ 1630

H.R. 1527 will take the necessary steps to making health care more accessible to our Nation's rural veterans. I encourage my colleagues on both sides of the aisle to support our rural veterans, and support this bill.

Thank you to the gentleman from Kansas (Mr. MORAN) for allowing me to speak on this bill. Thank you, Mr. Chairman, for your bipartisan effort in trying to make sure that we address veterans' issues in a nonpartisan way.

Mr. MORAN of Kansas. Mr. Speaker, I appreciate the comments from the gentleman from Colorado and acknowledge his tremendous efforts on behalf of veterans across the country, but especially those who live in rural America, and extend to him today my appreciation for his comments and his friendship.

I yield 2 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Thank you, Mr. MORAN, for your leadership. I want to add my kudos. Whenever we talk about rural issues, it's the same people that usually stand up: Somebody from Colorado, South Dakota, Idaho, Montana, Wyoming, Kansas, and Nebraska. We have certain issues confronting us that other places do not.

Let me real briefly describe my district to you. My district spans the distance of 147,000 square miles. The distance of my district is Washington, D.C. to Chicago, and I have 104,000 veterans living in that area. It's very difficult for them to access and, kid no one, we ration health care in the veterans' system. This is a perfect bill for showing what can be done if we would

just use a little initiative within the United States Congress.

Mr. FILNER, thank you for bringing this forward. Everyone knows that nothing moves without the chairman's blessing, and we thank you for bringing this forward so we would have the opportunity to explain it a little bit.

Montana is surrounded by some wonderful States, like Idaho and Wyoming and South Dakota, but when we have major medical, there are no facilities within those States, so we have to travel to Denver, Salt Lake City, Minneapolis, and Seattle. The distances are great, and usually the illnesses are so great, it's very difficult for our veterans to travel that distance.

I want to take issue with one of the comments from CBO. They suggest that local health care providers would hesitate to invest in expanded facilities to accommodate veterans. Clearly, the CBO does not understand the plight of rural health care because my rural health care providers are doing everything they can to keep their doors open in the first place because of a diminishing population; not a population of seniors or veterans, but a population of youth. And so the veterans and the seniors are staying in the community and it's going to be harder for my facilities to stay open.

If these veterans are having to ride on buses for many, many miles to get to Fort Harrison, and I want to say I am not suggesting that we don't have tremendous veterans' health care in Montana. We do. We have Fort Harrison in Helena. But it's not adequate when it comes to the distances they are having to travel.

Please support this bill. Thank you, Mr. MORAN.

Mr. FILNER. Mr. Speaker, I would like to yield such time as he may consume to our hardworking Chair of our Disability Assistance and Memorial Affairs Subcommittee, the gentleman from New York (Mr. HALL).

Mr. HALL of New York. I rise today in strong support of H.R. 1527, the Rural Veterans Access to Care Act, and I would first like to take this opportunity to commend Congressman MORAN for all of his work on this legislation. I used to live in Manhattan, New York, and I am glad that veterans from Manhattan, Kansas, and Manhattan, New York, will be served better by this Congress and by the VA.

We can illustrate the fact that issues relating to veterans can, and should be, and I believe in this Congress and in this committee, are a truly bipartisan effort. I can't recall a single critical remark of this bill as it passed through the committee process, because it is truly a needed piece of legislation.

Veterans have consistently been calling on the VA to develop a plan to address the needs of those veterans who live in rural areas at great distances away from the nearest VA hospital. When these brave men and women served our country honorably, they expected the same service in return once they retired. When they signed up, nowhere, at no time, did it say that they would get the health care they need only if they wanted to drive for hours and hours to get it.

Moreover, with the recent increases in the cost of gasoline, travel for rural veterans is placing an even greater financial burden on them and their families. Hours of driving and a hefty gas bill is not the kind of treatment our veterans deserve for their selfless sacrifice to our Nation.

I am confident that the pilot programs erected in H.R. 1527 will begin to bring relief to our veterans who live at great distances from the nearest VA hospital. It is our duty to reward the veterans of our Nation with this treatment befitting their sacrifice. I believe this bill takes the necessary steps to do just that, and I urge my colleagues to support this bill.

Mr. MORAN of Kansas. I continue to reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I would yield such time as he may consume to our great new Member, who worked on these issues for many years, not only as a Congressman, but as a staff member for Mr. Lane Evans, our former ranking member, the gentleman from Illinois (Mr. HARE).

Mr. HARE. I thank the chairman for his kind words. I rise in strong support of H.R. 1527, the Rural Veterans Access to Care Act, and I want to commend my friend, Representative JERRY MORAN, for his outstanding leadership on this issue.

I represent a district in Illinois that is very rural. I hear often not only from the veterans but also from the critical access hospitals in my district about the frustrations that they feel from the inability to access or provide the care that our veterans so desperately need. We often see our disabled and elderly veterans driving hundreds of miles to the nearest VA facilities in Freeport, Illinois, or Bettendorf, Iowa, some of them having to wait 6 hours just to be seen.

To highlight this point, I recently received a phone call from Illinois State Senator Deanna Demuzio of Carlinville, Illinois, in the southern part of my district. She expressed a tremendous amount of frustration and concern at the fact that one of her constituents, a World War II veteran, was told by the VA that he had to drive 200 miles to get a simple chest x-ray. Like Senator Demuzio, I feel that it just doesn't make sense for anyone to drive 200 miles for an x-ray, one they can get locally.

I have been working with the VA, Chairman FILNER, Ranking Member BUYER, and the appropriators, to authorize the community-based outpatient clinic in Whiteside County in my district to address the hardships that veterans face from the distances they have to travel to access health care. Until that happens, I believe this bill will provide the data we need to best serve our rural veterans while also paying attention to the quality of care our veterans receive, and the VA patient enrollment numbers.

Specifically, H.R. 1527 requires the Secretary to conduct a pilot program in four Veteran Integrated Service Networks that would allow the ''highly rural'' veteran to elect to receive covered health services through a non-VA health care provider. Many of the veterans of my district fit under the ''highly rural'' definition, and I am very proud to be a cosponsor of this legislation.

Again, I want to thank Senator Demuzio for her help and support, and to my friend Congressman JERRY MORAN for introducing this incredibly wonderful piece of legislation. I believe this information we gather from the pilot program will go a long way in helping our veterans access health care.

Mr. Speaker, I urge all my colleagues to support this legislation.

Mr. MORAN of Kansas. I ask the gentleman from California if he has other speakers.

Mr. FILNER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. It is with great pleasure that I rise today in strong support of H.R. 1527, the Rural Veterans Access to Care Act. This bipartisan legislation, which I have cosponsored, is something that the veterans of my district have been seeking for some time.

This bill is in no way an indictment of the services of the VA facilities. Rather, it acknowledges that even health care networks as far-reaching as the VA can meet the needs of our veterans. This bill will provide the rural veterans from the western rural portions of my district the ability to seek health care in their communities rather than having to travel hundreds of miles to El Paso and sometimes even Albuquerque, although, as a pilot program, I am confident that the merits of bringing care closer to the veterans will prove to be revolutionary in the way that this Nation cares for its servicemembers and will be adopted nationwide.

I am pleased with the definition in the bill of ''highly rural veterans'' as one who resides in a location that is more than 60 miles driving distance from the nearest Department health care facilities providing primary care services, more than 120 miles for acute hospital care, and more than 240 miles for tertiary care.

Many of the veterans who reside in the 20 counties that I represent fall into this category. The Audie Murphy Hospital in San Antonio and the Brooke Army Medical Center in San Antonio serve a large portion of my district's veteran community. About 600 miles to the northwest to the opposite end of my district is the El Paso VA Clinic and the William Beaumont Army Medical Center that serves a portion of the western part of Texas.

They provide quality health care for our veterans. However, neither the

Audie Murphy VA, nor the El Paso VA Clinic, are within my district. As a matter of fact, my district has no VA facilities at all, and it's one of the largest in the Nation. It spans 785 miles to the Mexican border, 650 miles straight from San Antonio to El Paso. Needless to say, extending current services into these areas are essential. This bill will allow that opportunity to make it happen.

I want to thank Chairman BOB FILNER, and I seriously mean this sincerely. I spent 8 years on this committee and we have been trying to get these types of pieces of legislation out. I want to thank him for his leadership and allowing us to be able to make this happen.

So I strongly urge my colleagues to vote in favor of H.R. 1527, to allow rural American veterans to be able to have access to health care in this country. Thank you very much.

Mr. MORAN of Kansas. Mr. Speaker, I am prepared to close and then yield the balance of my time, if the gentleman from California has no other speakers

Mr. FILNER. I would yield 2 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Thank you, Chairman FILNER, and thank you, Congressman MORAN. I live in Houston, Texas. I live across the street from the DeBakey Medical Center. My district is such that you can traverse it in 1 hour. But this is America that we are talking about, not just the cities, not just the rural areas. All veterans in America ought to have access to a facility, and they ought to have immediate access. It is not enough for me to have the DeBakey Center in my district and have other veterans who have to travel 5 hours to receive medical attention.

I am here to ask my colleagues to please, let's support veterans. What we do today will say to them what we think about the work they have done for us. If they can be there for us, willing to sacrifice their lives, we can be there for them to make sure that they have a good quality of life when they return home to the United States of America.

Mr. FILNER. Will the gentleman yield?

Mr. AL GREEN of Texas. Yes, sir.

Mr. FILNER. I just want to thank you not only for speaking out for rural veterans who, as you said, are not in your district, but in your State and in our Nation. But your bill that expanded opportunities for affordable housing for our veterans was also a great step forward, and we greatly admire your work here, although you've only been here a short time. Thank you so much.

I yield back.

Mr. AL GREEN of Texas. I thank you. I am so honored, sir, that you gave me this opportunity to have a word on this most important piece of legislation. It really is something that we must do for our veterans. I thank you, and may God bless you.

Mr. MORAN of Kansas. Is the gentleman from California prepared to close?

Mr. FILNER. Yes.

Mr. MORAN of Kansas. Mr. Speaker, first of all, let me thank the gentleman from Texas (Mr. AL GREEN) for his comments, his ecumenical attitude, and his understanding for the needs for all American veterans, and I am hopeful that that is demonstrated today by all Members of the House as we approve this legislation.

Let me also take this moment to thank all of the employees, the staff, the medical providers within the VA system in Kansas and across the country who work hard on a daily basis to make certain that our veterans are cared for and also for all those who have volunteered their time, their automobiles, their days, and their driving skills, as we have had many veterans who have helped other veterans get to a medical facility, often miles and distance away.

□ 1645

These kinds of volunteer activities have been important and it is a way that some veterans have been able to access health care. But this legislation takes us in a very positive step, one that we have worked on for a long time to achieve, and I am very pleased by the efforts that we see, the culmination of those efforts that we see today.

Finally, let me thank the staff of the Veterans' Committee, both the minority and majority. I appreciate the approach and attitude, the diligence with which we have addressed this legislation. It has had its false starts as recently as a month ago. I am very grateful for the efforts that all made to make certain that this legislation is before us today, and in particular I thank the gentleman from California, Mr. FILNER, who gave me his word back in early August that this legislation would be on the House floor this week, and I very much appreciate Mr. FILNER's efforts.

With that, Mr. Speaker, I support this legislation and appreciate the consequences that arise from its passage.

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

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

Again, I want to thank Mr. MORAN for his leadership over so many years on these issues and I just want to make a couple of points in closing.

Next year when we come back, Mr. MORAN, I hope that we could even refine what you have done here a little further. You have made a very important leap forward in dealing with our rural veterans, and you have used the mileage as the distinguishing characteristic.

In part of my district, for example, in Imperial County, California, our veterans are within probably this 120 miles, and yet it is not just the distance, it is the isolation. There is a mountain between two counties in my district. It is not easy to cross over that. So the mileage is not just the only factor. We have got to get some measure of isolation, I would think.

In addition, that county is a very poor county. Many of our veterans do not even have cars. They have to rely on what you so appropriately mentioned, and that is the volunteer efforts of some van drivers. But they are not always there, and they are not always on the day that is needed. So, without cars and being particularly isolated, I think we have to refine that definition of the highly rural veteran.

Let me make just one more point. What you have done here, Mr. MORAN, is very specifically designate criteria for which people are eligible to go outside the VA system. I think you have done that very appropriately, and we have been fighting for that for many years.

The Presidential candidate on the Republican side, Mr. MCCAIN, takes that too many steps further. He has advocated a credit card for every veteran to use in any facility. I think that is the wrong approach.

I had the honor over the last month, Mr. Speaker, of going to the national conventions of the Disabled American Veterans, of the American Legion, of the Jewish War Veterans, of the Military Order of the Purple Heart; and I would say unanimously they objected to this so-called credit card for veterans. It supposedly is to increase access, but I think its effect would be to undermine the whole VA health care system.

So while we can I think make sure that access is guaranteed for people in some very specific situations, like the bill that Mr. MORAN has before us, I think we have to keep the integrity of the VA system by not allowing that credit card proposal of Mr. MCCAIN to go forward.

Having said that, Mr. Speaker, I would ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1527, as amended.

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

There was no objection.

Mr. FILNER. I urge my colleagues to unanimously support Mr. MORAN's bill, H.R. 1527, as amended, as a great step forward for our country's heroes.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 1527, as amended, the Rural Veterans Access to Care Act.

I also want to thank my colleague, JERRY MORAN, for his efforts and work on this very important bill he introduced to improve access to care for veterans living in highly rural areas. Veterans in rural areas are challenged by long commutes to VA facilities, and the limited number of providers in rural areas.

H.R. 1527 as amended would require VA to conduct a three year demonstration project to allow highly rural veterans in four Veterans Integrated Service Networks (VISNs) with large rural populations to receive covered services

through non-VA providers. It would give those who live the furthest from VA facilities the choice to receive care closer to home at a local hospital or physician's office. To qualify, a veteran must live at least 60 miles from a VA clinic, 120 miles from a VA hospital or 240 miles from a VA specialized care facility when seeking that care. To ensure continuity of care, the legislation would require VA to develop the functional capability to exchange veterans' medical information between VA and non-VA providers in the pilot. The VA will be required to annually report to Congress on cost, quality, and patient satisfaction.

I urge my colleagues to support H.R. 1527.

Mr. FILNER. 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 California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1527, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2008

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (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.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2617

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' Compensation Cost-of-Living Adjustment Act of 2008''.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2008, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2008, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2008, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

(e) PUBLICATION OF ADJUSTED RATES.—The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased under that subsection, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2009.

SEC. 3. CODIFICATION OF 2007 COST-OF-LIVING ADJUSTMENT IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) VETERANS' DISABILITY COMPENSATION.—Section 1114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''$115'' and inserting ''$117'';

(2) in subsection (b), by striking ''$225'' and inserting ''$230'';

(3) in subsection (c), by striking ''$348'' and inserting ''$356'';

(4) in subsection (d), by striking ''$501'' and inserting ''$512'';

(5) in subsection (e), by striking ''$712'' and inserting ''$728'';

(6) in subsection (f), by striking ''$901'' and inserting ''$921'';

(7) in subsection (g), by striking ''$1,135'' and inserting ''$1,161'';

(8) in subsection (h), by striking ''$1,319'' and inserting ''$1,349'';

(9) in subsection (i), by striking ''$1,483'' and inserting ''$1,517'';

(10) in subsection (j), by striking ''$2,471'' and inserting ''$2,527'';

(11) in subsection (k)—

(A) by striking ''$89'' both places it appears and inserting ''$91''; and

(B) by striking ''$3,075'' and ''$4,313'' and inserting ''$3,145'' and ''$4,412'', respectively;

(12) in subsection (l), by striking ''$3,075'' and inserting ''$3,145'';

(13) in subsection (m), by striking ''$3,392'' and inserting ''$3,470'';

(14) in subsection (n), by striking ''$3,860'' and inserting ''$3,948'';

(15) in subsections (o) and (p), by striking ''$4,313'' each place it appears and inserting ''$4,412'';

(16) in subsection (r), by striking ''$1,851'' and ''$2,757'' and inserting ''$1,893'' and ''$2,820'', respectively; and

(17) in subsection (s), by striking ''$2,766'' and inserting ''$2,829''.

(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(1) of such title is amended—

(1) in subparagraph (A), by striking ''$139'' and inserting ''$142'';

(2) in subparagraph (B), by striking ''$240'' and ''$70'' and inserting ''$245'' and ''$71'', respectively;

(3) in subparagraph (C), by striking ''$94'' and ''$70'' and inserting ''$96'' and ''$71'', respectively;

(4) in subparagraph (D), by striking ''$112'' and inserting ''$114'';

(5) in subparagraph (E), by striking ''$265'' and inserting ''$271''; and

(6) in subparagraph (F), by striking ''$222'' and inserting ''$227''.

(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 of such title is amended by striking ''$662'' and inserting ''$677''.

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—

(1) NEW LAW DIC.—Section 1311(a) of such title is amended—

(A) in paragraph (1), by striking ''$1,067'' and inserting ''$1,091''; and

(B) in paragraph (2), by striking ''$228'' and inserting ''$233''.

(2) OLD LAW DIC.—The table in paragraph (3) of such section is amended to read as follows:

''Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$1,091	W–4	$1,305
E–2	$1,091	O–1	$1,153
E–3	$1,091	O–2	$1,191
E–4	$1,091	O–3	$1,274
E–5	$1,091	O–4	$1,349
E–6	$1,091	O–5	$1,485
E–7	$1,129	O–6	$1,674
E–8	$1,191	O–7	$1,808
E–9	[1] $1,242	O–8	$1,985
W–1	$1,153	O–9	$2,123
W–2	$1,198	O–10	[2] $2,328

''Pay grade	Monthly rate	Pay grade	Monthly rate
W–3	$1,234		

[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,342.

[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,499.''

(3) ADDITIONAL DIC FOR CHILDREN OR DISABILITY.—Section 1311 of such title is amended—

(A) in subsection (b), by striking ''$265'' and inserting ''$271'';

(B) in subsection (c), by striking ''$265'' and inserting ''$271''; and

(C) in subsection (d), by striking ''$126'' and inserting ''$128''.

(e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—

(1) DIC WHEN NO SURVIVING SPOUSE.—Section 1313(a) of such title is amended—

(A) in paragraph (1), by striking ''$452'' and inserting ''$462'';

(B) in paragraph (2), by striking ''$649'' and inserting ''$663'';

(C) in paragraph (3), by striking ''$846'' and inserting ''$865''; and

(D) in paragraph (4), by striking ''$846'' and ''$162'' and inserting ''$865'' and ''$165'', respectively.

(2) SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.—Section 1314 of such title is amended—

(A) in subsection (a), by striking ''$265'' and inserting ''$271'';

(B) in subsection (b), by striking ''$452'' and inserting ''$462''; and

(C) in subsection (c), by striking ''$225'' and inserting ''$230''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 1, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Kansas (Mr. MORAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Speaker, I rise in support of this Veterans Compensation Cost-of-Living Adjustment Act of 2008, and I want to especially thank Congressman CIRO RODRIGUEZ of Texas for his sponsorship of the House bill, which was H.R. 5826.

I am pleased that we are here today working with the Senate to get the bill passed. After passage here today, the bill goes directly to the White House for the President's signature, and this will ensure that our veterans will not be delayed in getting their cost-of-living adjustment.

Since 1976, Congress has passed a measure to direct the Secretary of Veterans Affairs to increase the rates of basic compensation for disabled veterans and the rates of dependency and indemnity compensation, referred to as DIC, to their survivors and dependents, along with other benefits, in order to keep pace with the rising cost of living.

This disability COLA would become effective on December 1 of this year and will be equal to that provided on an annual basis to Social Security recipients. It will benefit over 3 million disabled veterans from the World War I era through the current conflicts in Iraq and Afghanistan that VA estimates will be receiving this compensation in FY 09. It will also help over 300,000 of their survivors during the same period.

Many of the 3.5 million recipients of these benefits depend upon these tax-free payments not only to provide for their own basic needs, but those of their spouses and their children and often parents as well. Without an annual COLA, these veterans and their families would see the value of their hard-earned benefits slowly erode. We would be derelict in our duty as a Congress if we failed to guarantee that those who sacrificed so much for this country received benefits and services that keep pace with their necessities. The veterans compensation COLA is included in the CBO baseline, which means in English that we have already paid for this COLA.

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

Mr. MORAN of Kansas. Mr. Speaker, I am a supporter of S. 2617, the Veterans Compensation Cost-of-Living Adjustment Act of 2008. On May 21 of this year, the House of Representatives passed H.R. 5826, the Veterans Compensation Cost-of-Living Act of 2008, introduced by our colleague, the gentleman from Texas, Mr. RODRIGUEZ.

The legislation before us today is the Senate companion to that bill. It would increase, effective 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.

I would like to thank the gentleman from California, the chairman, Mr. FILNER, and the ranking member, the gentleman from Indiana, Mr. BUYER, for bringing this bill to the floor in a timely manner, and acknowledge the efforts by our colleagues, the Chairman of the Subcommittee, Mr. HALL, and the ranking member, Mr. LAMBORN, for their work and leadership on improving benefits for our veterans.

The legislation before us is an important annual authorization which provides our Nation's veterans with a timely increase in their compensation later this year. It was requested by the Bush administration, and the House passage today will send this bill to the President to be signed into law.

Mr. Speaker, I encourage my colleagues to support this bill.

I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield 2 minutes to the sponsor of the House version of the bill, the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman for this opportunity to speak regarding S. 2617. Thank you, Chairman FILNER, for your leadership, and also Chairman HALL, the ranking minority member, Mr. BUYER, and Mr. MORAN. Thank you very much.

As a sponsor of H.R. 5826, the House version of this important piece of legislation, I am extremely proud to have had the opportunity to be here today. The House unanimously passed this bill on the 21st of May earlier this year.

We are all keenly aware of the burden our current economy places upon American families and the situation that we find ourselves in now with the economy. These same difficulties are magnified with our veterans and their families who rely on disability compensation provided through the Senate bill, S. 2617, the Veterans Compensation Cost-of-Living Adjustment Act of 2008. It seeks to address these challenges by increasing the compensation rates in line with the Consumer Price Index for the Social Security COLA.

We now have an opportunity to send a bill to the President that will have a direct impact on countless veterans, over 3 million, and also their survivors and families.

Thank you for allowing me the opportunity to speak today during consideration of S. 2617, the companion bill to H.R. 5826. I ask for its support by the House.

Mr. BUYER. Mr. Speaker, I rise today in support of S. 2617, the Veterans' Compensation Cost-of-Living Adjustment Act of 2008.

Each year, the House and Senate Committees on Veterans' Affairs bring before Congress legislation to adjust the compensation our veterans receive through the cost-of-living adjustment. Our Nation's veterans have sacrificed so much for this country, and we fulfill our obligation to them by providing this annual adjustment to their benefits to help them keep up with the cost-of-living. The House already passed H.R. 5826 on May 21, 2008. The bill before us is the Senate version of that same bill.

Mr. Speaker, this legislation will provide our veterans an increase in their wartime disability compensation, additional compensation for benefits, clothing allowance, dependency and indemnity compensation to surviving spouses, and dependency and indemnity compensation to children. This is an important ''must-pass'' bill, which will ensure our veterans receive the increase to their benefits on time.

I would like to thank Chairman FILNER, as well as Disability and Memorial Affairs Subcommittee Chairman JOHN HALL, and Ranking Member DOUG LAMBORN for their efforts to bring this bill to the House floor in an expeditious manner. Our action on this bill today will be the final action before the bill is presented to the President for signature, and I encourage all my colleagues to support passage of S. 2617, the Veterans' Compensation Cost-of-Living Adjustment Act of 2008.

Mr. HALL of New York. Mr. Speaker, I rise, today in support of S. 2617, the Veterans' Compensation Cost-of-Living Adjustment Act. With today's military and veteran community facing increasing deployments, a struggling economy, rising gas prices, and other hardships that together create tough financial situations, this legislation could not have come at a better time.

For many of our Nation's veterans and their families, these payments are a necessity in order to make ends meet. They provide for veterans with service-connected disabilities and the survivors of certain disabled veterans. Specifically, this COLA increase will boost wartime disability compensation, additional compensation for benefits, and even things such as clothing allowances.

Again, in these increasingly tough times, we cannot allow rising costs to strip our brave veterans of this crucial resource. For those who have done so much by sacrificing mind, body, and family in service of this Nation, this COLA is the least we can do to honor their sacrifices.

I commend Senator AKAKA for his hard work passing this crucially needed legislation through the Senate, and urge my colleagues to pass this in the House with equal success.

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

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I would ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 2617.

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

There was no objection.

Mr. FILNER. Mr. Speaker, I urge my colleagues to unanimously support it and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the Senate bill, S. 2617.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

VETERANS' PROGRAMS EXTENSION AND CONSTRUCTION AUTHORIZATION ACT OF 2008

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6832) to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6832

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Programs Extension and Construction Authorization Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

Sec. 101. Authorization for fiscal year 2009 major medical facility projects.
Sec. 102. Modification of authorization amounts for certain major medical facility construction projects previously authorized.
Sec. 103. Authorization of fiscal year 2009 major medical facility leases.
Sec. 104. Authorization of construction of major medical facility, Okaloosa County, Florida.
Sec. 105. Authorization of appropriations.
Sec. 106. Report on facilities administration.
Sec. 107. Annual report on outpatient clinics.

TITLE II—EXTENSION OF CERTAIN AUTHORITIES

Sec. 201. Repeal of sunset on inclusion of noninstitutional extended care services in definition of medical services.
Sec. 202. Extension of recovery audit authority.
Sec. 203. Permanent authority for provision of hospital care, medical services, and nursing home care to veterans who participated in certain chemical and biological testing conducted by the Department of Defense.
Sec. 204. Extension of expiring collections authorities.
Sec. 205. Extension of nursing home care.
Sec. 206. Extension of authority to carry out income verification.
Sec. 207. Permanent authority to establish research corporations.
Sec. 208. Extension of certain veterans home loan guaranty programs.
Sec. 209. Extension of requirement to submit annual report on the Special Committee on Post-Traumatic-Stress Disorder.
Sec. 210. Extension of requirement to submit annual report on the Committee on Care of Severely Chronically Mentally Ill Veterans.
Sec. 211. Permanent requirement for biannual report on Women's Advisory Committee.
Sec. 212. Permanent authority for Advisory Committee on Minority Veterans.
Sec. 213. Extension of temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.

TITLE III—OTHER MATTERS

Sec. 301. Increase in cap of number of veterans participating in independent living program.
Sec. 302. Enhancement of refinancing of home loans by veterans.
Sec. 303. Technical amendments.

TITLE I—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

SEC. 101. AUTHORIZATION FOR FISCAL YEAR 2009 MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2009 in the amount specified for each project:

(1) Seismic corrections, Building 2, at the Department of Veterans Affairs Palo Alto Health Care System, Palo Alto Division Palo Alto, California, in an amount not to exceed $54,000,000.

(2) Construction of a polytrauma healthcare and rehabilitation center at the Department of Veterans Affairs Medical Center, San Antonio, Texas, in an amount not to exceed $66,000,000.

(3) Seismic corrections, Building 1, at the Department of Veterans Affairs Medical Center, San Juan, Puerto Rico, in an amount not to exceed $225,900,000.

SEC. 102. MODIFICATION OF AUTHORIZATION AMOUNTS FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED.

(a) MODIFICATION OF MAJOR MEDICAL FACILITY AUTHORIZATIONS.—Section 801(a) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461) is amended—

(1) in paragraph (1)—

(A) by striking ''$300,000,000'' and inserting ''$625,000,000''; and

(B) by striking the second sentence; and

(2) in paragraph (3), by striking ''$98,000,000'' and inserting ''$769,200,000''.

(b) MODIFICATION OF AUTHORIZATION FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED IN CONNECTION WITH CAPITAL ASSET REALIGNMENT INITIATIVE.—

(1) CORRECTION OF PATIENT PRIVACY DEFICIENCIES AT THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, GAINESVILLE, FLORIDA.—Paragraph (5) of section 802 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461) is amended by striking ''$85,200,000'' and inserting ''$136,700,000''.

(2) CONSTRUCTION OF A NEW MEDICAL CENTER FACILITY AT THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, LAS VEGAS, NEVADA.—Paragraph (7) of such section is amended by striking ''$406,000,000'' and inserting ''$600,400,000''.

(3) CONSTRUCTION OF A NEW OUTPATIENT CLINIC, LEE COUNTY, FLORIDA.—Paragraph (8) of such section is amended—

(A) by striking ''ambulatory'' and all that follows through ''purchase,'' and inserting ''outpatient clinic in''; and

(B) by striking ''$65,100,000'' and inserting ''$131,800,000''.

(4) CONSTRUCTION OF A NEW MEDICAL CENTER FACILITY, ORLANDO, FLORIDA.—Paragraph (11) of such section is amended by striking ''$377,700,000'' and inserting ''$656,800,000''.

(5) CONSOLIDATION OF CAMPUSES AT THE UNIVERSITY DRIVE AND H. JOHN HEINZ III DIVISIONS, PITTSBURGH, PENNSYLVANIA.—Paragraph (12) of such section is amended by striking ''$189,205,000'' and inserting ''$295,600,000''.

SEC. 103. AUTHORIZATION OF FISCAL YEAR 2009 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following major medical facility leases in fiscal year 2009 at the locations specified, and in an amount for each lease not to exceed the amount shown for such location:

(1) For an outpatient clinic, Brandon, Florida, $4,326,000.

(2) For an outpatient clinic, Colorado Springs, Colorado, $3,995,000.

(3) For an outpatient clinic, Eugene, Oregon, $5,826,000.

(4) For the expansion of an outpatient clinic, Green Bay, Wisconsin, $5,891,000.

(5) For an outpatient clinic, Greenville, South Carolina, $3,731,000.

(6) For an outpatient clinic, Mansfield, Ohio, $2,212,000.

(7) For an outpatient clinic, Mayaguez, Puerto Rico, $6,276,000.

(8) For an outpatient clinic, Mesa, Arizona, $5,106,000.

(9) For interim research space, Palo Alto, California, $8,636,000.

(10) For the expansion of an outpatient clinic, Savannah, Georgia, $3,168,000.

(11) For an outpatient clinic, Sun City, Arizona, $2,295,000.

(12) For a primary care annex, Tampa, Florida, $8,652,000.

SEC. 104. AUTHORIZATION OF CONSTRUCTION OF MAJOR MEDICAL FACILITY, OKALOOSA COUNTY, FLORIDA.

(a) AUTHORIZATION.—The Secretary of Veterans Affairs shall carry out a major medical facility project to construct a new medical facility of the Department of Veterans Affairs in Okaloosa County, Florida, in an amount not to exceed $54,475,000.

(b) FACILITY LOCATION.—The facility authorized to be constructed pursuant to subsection (a) shall be built in accordance with option 2 of the report to Congress dated June 26, 2007, required to be submitted under section 823 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461; 120 Stat. 3449).

(c) PLAN FOR SHARING OF INPATIENT AND OUTPATIENT SERVICES.—Not later than 180 days after the date of the enactment of the Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a plan that sets forth terms and conditions for the sharing of inpatient and outpatient services at the medical facility authorized to be constructed pursuant to subsection (a).

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009 MAJOR MEDICAL FACILITY PROJECTS.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2009 for the Construction, Major Projects, account—

(1) $345,900,000 for the projects authorized in section 101;

(2) $1,694,295,000 for the increased amounts authorized for projects whose authorizations are modified by section 102; and

(3) $54,475,000 for the project authorized in section 104.

(b) AUTHORIZATION FOR APPROPRIATIONS FOR FISCAL YEAR 2009 MAJOR MEDICAL FACILITY LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2009 for the Medical Facilities account, $60,114,000, for the leases authorized in section 103.

SEC. 106. REPORT ON FACILITIES ADMINISTRATION.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report updating the progress of the Secretary in complying with section 312A of title 38, United States Code.

SEC. 107. ANNUAL REPORT ON OUTPATIENT CLINICS.

(a) ANNUAL REPORT REQUIRED.—Subchapter I of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 8119. Annual report on outpatient clinics

''(a) ANNUAL REPORT REQUIRED.—The Secretary shall submit to the committees an annual report on community-based outpatient clinics and other outpatient clinics of the Department. The report shall be submitted each year not later than the date on which the budget for the next fiscal year is submitted to the Congress under section 1105 of title 31.

''(b) CONTENTS OF REPORT.—Each report required under subsection (a) shall include the following:

''(1) A list of each community-based outpatient clinic and other outpatient clinic of the Department, and for each such clinic, the type of clinic, location, size, number of health professionals employed by the clinic, workload, whether the clinic is leased or constructed and operated by the Secretary, and the annual cost of operating the clinic.

''(2) A list of community-based outpatient clinics and other outpatient clinics that the Secretary opened during the fiscal year preceding the fiscal year during which the report is submitted and a list of clinics the Secretary proposes opening during the fiscal year during which the report is submitted and the subsequent fiscal year, together with the cost of activating each such clinic and the information required to be provided under paragraph (1) for each such clinic and proposed clinic.

''(3) A list of proposed community-based outpatient clinics and other outpatient clinics that are, as of the date of the submission of the report, under review by the National Review Panel and a list of possible locations for future clinics identified in the Department's strategic planning process, including any identified locations in rural and underserved areas.

''(4) A prioritized list of sites of care identified by the Secretary that the Secretary could establish without carrying out construction or entering into a lease, including—

''(A) any such sites that could be expanded by hiring additional staff or allocating staff to Federal facilities or facilities operating in collaboration with the Federal Government; and

''(B) any sites established, or able to be established, under sections 8111 and 8153 of this title.''.

(b) DEADLINE FOR FIRST ANNUAL REPORT.—The Secretary of Veterans Affairs shall submit the first report required under section 8119(a) of title 38, United States Code, as added by subsection (a), by not later than 90 days after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the items relating to subchapter I the following new item:

''8119. Annual report on outpatient clinics.''.

TITLE II—EXTENSION OF CERTAIN AUTHORITIES

SEC. 201. REPEAL OF SUNSET ON INCLUSION OF NONINSTITUTIONAL EXTENDED CARE SERVICES IN DEFINITION OF MEDICAL SERVICES.

Section 1701 of title 38, United States Code, is amended—

(1) by striking paragraph (10); and

(2) in paragraph (6)—

(A) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(B) by inserting after subparagraph (D) the following new subparagraph (E):

''(E) Noninstitutional extended care services, including alternatives to institutional extended care that the Secretary may furnish directly, by contract, or through provision of case management by another provider or payer.''.

SEC. 202. EXTENSION OF RECOVERY AUDIT AUTHORITY.

Section 1703(d)(4) of title 38, United States Code, is amended by striking ''September 30, 2008'' and inserting ''September 30, 2013''.

SEC. 203. PERMANENT AUTHORITY FOR PROVISION OF HOSPITAL CARE, MEDICAL SERVICES, AND NURSING HOME CARE TO VETERANS WHO PARTICIPATED IN CERTAIN CHEMICAL AND BIOLOGICAL TESTING CONDUCTED BY THE DEPARTMENT OF DEFENSE.

(a) PERMANENT AUTHORITY.—Subsection (e)(3) of section 1710 of title 38, United States Code, is amended—

(1) in subparagraph (B), by inserting ''and'' after the semicolon;

(2) in subparagraph (C), by striking ''; and'' and inserting a period; and

(3) by striking subparagraph (D).

(b) CONFORMING AMENDMENT.—Subsection (e)(1)(E) of such section is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraph (2)''.

SEC. 204. EXTENSION OF EXPIRING COLLECTIONS AUTHORITIES.

(a) HEALTH CARE COPAYMENTS.—Section 1710(f)(2)(B) of title 38, United States Code, is amended by striking ''September 30, 2008'' and inserting ''September 30, 2010''.

(b) MEDICAL CARE COST RECOVERY.—Section 1729(a)(2)(E) of title 38, United States Code, is amended by striking ''October 1, 2008'' and inserting ''October 1, 2010''.

SEC. 205. EXTENSION OF NURSING HOME CARE.

Section 1710A(d) of title 38, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 206. EXTENSION OF AUTHORITY TO CARRY OUT INCOME VERIFICATION.

Section 5317(g) of title 38, United States Code, is amended by striking ''September 30, 2008'' and inserting ''September 30, 2010''.

SEC. 207. PERMANENT AUTHORITY TO ESTABLISH RESEARCH CORPORATIONS.

(a) REPEAL.—Title 38, United States Code, is amended by striking section 7368.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by striking the item relating to section 7368.

SEC. 208. EXTENSION OF CERTAIN VETERANS HOME LOAN GUARANTY PROGRAMS.

(a) EXTENSION OF DEMONSTRATION PROJECT ON ADJUSTABLE RATE MORTGAGES.—Section 3707(a) of title 38, United States Code, is amended by striking ''2008'' and inserting ''2012''.

(b) EXTENSION OF DEMONSTRATION PROJECT ON HYBRID ADJUSTABLE RATE MORTGAGES.—Section 3707A(a) of such title is amended by striking ''2008'' and inserting ''2012''.

SEC. 209. EXTENSION OF REQUIREMENT TO SUBMIT ANNUAL REPORT ON THE SPECIAL COMMITTEE ON POST-TRAUMATIC-STRESS DISORDER.

Section 110(e)(2) of the Veterans' Health Care Act of 1984 (38 U.S.C. 1712A note; Public Law 98–528) is amended by striking ''through 2008'' and inserting ''through 2012''.

SEC. 210. EXTENSION OF REQUIREMENT TO SUBMIT ANNUAL REPORT ON THE COMMITTEE ON CARE OF SEVERELY CHRONICALLY MENTALLY ILL VETERANS.

Section 7321(d)(2) of title 38, United States Code, is amended by striking ''through 2008'' and inserting ''through 2012''.

SEC. 211. PERMANENT REQUIREMENT FOR BIANNUAL REPORT ON WOMEN'S ADVISORY COMMITTEE.

Section 542(c)(1) of title 38, United States Code, is amended by striking ''through 2008''.

SEC. 212. PERMANENT AUTHORITY FOR ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544 of title 38, United States Code, is amended by striking subsection (e).

SEC. 213. EXTENSION OF TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.

Section 2201 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2011''.

TITLE III—OTHER MATTERS

SEC. 301. INCREASE IN CAP OF NUMBER OF VETERANS PARTICIPATING IN INDEPENDENT LIVING PROGRAM.

Section 3120(e) of title 38, United States Code, is amended by striking ''2,500 veterans'' and inserting ''2,600 veterans''.

SEC. 302. ENHANCEMENT OF REFINANCING OF HOME LOANS BY VETERANS.

(a) INCLUSION OF REFINANCING LOANS AMONG LOANS SUBJECT TO GUARANTY MAXIMUM.—Section 3703(a)(1)(A)(i)(IV) of title 38, United States Code, is amended by inserting ''(5),'' after ''(3),''.

(b) INCREASE IN MAXIMUM PERCENTAGE OF LOAN TO-VALUE OF REFINANCING LOANS SUBJECT TO GUARANTY.—Section 3710(b)(8) of such title is amended by striking ''90 percent'' and inserting ''100 percent''.

SEC. 303. TECHNICAL AMENDMENTS.

(a) TITLE 38.—Title 38, United States Code, is amended—

(1) in section 1712A—

(A) by striking subsection (g);

(B) by redesignating subsections (d) through (i) as subsections (c) through (f), respectively; and

(C) in subsection (f), as so redesignated, by striking ''(including a Resource Center designated under subsection (h)(3)(A) of this section)'';

(2) in section 2065(b)(3)(C), by striking ''(''';

(3) in the table of sections at the beginning of chapter 36, by striking the item relating to section 3684A and inserting the following new item:

''3684A. Procedures relating to computer matching program.'';

(4) in section 4110(c)(1), by striking ''15'' and inserting ''16'';

(5) in the table of sections at the beginning of chapter 51, by striking the item relating to section 5121 and inserting the following new item:

''5121. Payment of certain accrued benefits upon death of a beneficiary.'';

(6) in section 7458(b)(2), by striking ''pro rated'' and inserting ''pro-rated'';

(7) in section 8117(a)(1), by striking ''such such'' and inserting ''such''; and

(8) in each of sections 1708(d), 7314(f), 7320(j)(2), 7325(i)(2), and 7328(i)(2), by striking ''medical care account'' and inserting ''medical services account''.

(b) VETERANS BENEFITS, HEALTH CARE, AND INFORMATION TECHNOLOGY ACT OF 2006.—Section 807(e) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109–461) is amended by striking ''Medical Care'' each place it appears and inserting ''Medical Facilities''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Kansas (Mr. MORAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

□ 1700

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

Mr. Speaker, this is a very important bill that we simply must pass this year because it extends authorities for a whole number of veterans programs. And I want to thank my ranking member, Mr. BUYER of Indiana, for his cooperation and support to get this bill on the floor today because, as I said, we have got to get this done before the end of this congressional session.

H.R. 6832 includes the text of several other pieces of legislation; for example, the text of H.R. 5856, the Department of Veterans Medical Facility Authorization and Lease Act of 2008, that we passed on this floor by a vote of 416–0 back in May. As the new fiscal year begins on October 1, it is essential that the VA have the legal authorities it needs to move forward in providing world-class facilities and better access for our veterans.

In addition to providing these authorizations, we extend a number of expiring authorities, including the authority to collect from insurance companies and third parties for the cost of certain health care. These provisions were slated to expire at the end of this month. It also extends the VA authority to receive data from the IRS and the Social Security Administration to verify income levels for veterans in certain programs.

We extend here also the authority of the VA to conduct recovery audits of fee basis and other medical service contracts when a veteran receives care at a non-VA facility, such as the bill we just passed with Mr. MORAN.

We make permanent here the VA authority to treat veterans who participated in tests conducted by the Department of Defense at the Deseret Test Center from 1962 to 1973, which included the program known as Project Shipboard Hazard and Defense, or Project SHAD. This authority expired last year. We have to do more for those who have been subject to those tests, and we will look at legislation, especially by Mr. THOMPSON of California, in the near future.

We extend the reporting requirements for the Special Committee on PTSD, Posttraumatic Stress Disorder, and the Committee on Care of Severely Chronically Mentally Ill Veterans. These committees are vitally important as we seek to provide the best care for our veterans in dealing with these mental health issues.

We repeal the sunset on inclusion of noninstitutional extended care services as part of the health care provided to our veterans, and extend the authority of the VA to provide nursing home care for certain veterans, which was also slated to expire at the end of this year.

We increase the number of veterans among our most severely disabled veterans who would be able to participate in the VA's Independent Living Program. Long-term care services are a vital component of our health care for veterans, and will only increase in importance in the years ahead.

H.R. 6832 also makes permanent the authority of the Advisory Committee on Minority Veterans and reporting requirements for the Women's Advisory Committee.

Mr. Speaker, I have often stressed the importance of the housing provisions in the original GI bill that was enacted in 1944. This act, of which over 8 million veterans took advantage of, probably created the prosperous and stable middle-class in our Nation. We recently passed an update of the GI bill that we called the 21st Century GI Bill, which brought education benefits up to the standards that this century requires, but we did not reform and improve the VA home loan program in that GI bill that would have in fact remained true to the spirit of the original GI bill. The housing crisis that is affecting all of our society in all areas of our country would be helped by broadening authority of the VA in this area.

Both my ranking member, Mr. BUYER, and I have introduced legislation to reform the home loan program, and H.R. 6832 brings both of our pieces of legislation together. We were able to provide temporary authority for the VA to make loans at levels that matched other Federal housing programs in an earlier bill this year, but that authority expires at the end of the year and VA will be forced once again to essentially limit its guarantee to a maximum loan amount of $417,000. What we do here is to extend that authority until 2011 to guarantee loan amounts up to $729,750 in certain parts of the country. We also extend the authority of the VA to make so-called hybrid adjustable rate and adjustable rate mortgages in their program, which also expires this year.

Finally, H.R. 6832 will make it easier for veterans to refinance their home loans with the VA. We authorize the VA to provide the same maximum loan guarantee for veterans, refinancing non-VA loans, as it currently provides for loans guaranteed by the VA. It will enable veterans to refinance the loan at up to 100 percent of the value of the underlying property. Currently, the VA is only able to finance up to 90 percent.

I know that I speak for Mr. BUYER in that we wish we could do more right at this moment to help our veterans weather this housing crisis, but this bill provides real help, and will make a real difference in the lives of thousands of veterans facing the housing crisis and our economic slowdown. It is extremely important that we pass H.R. 6832, and meet our responsibilities to our Nation's veterans.

I thank the minority side for its great cooperation on this.

I reserve the balance of my time.

Mr. MORAN of Kansas. Mr. Speaker, I support H.R. 6832, the Department of Veterans Affairs Construction and Extensions Act of 2008. I again thank Chairman FILNER and Ranking Member BUYER for bringing this bill forward today. And I also want to thank the leaders of the Subcommittee on Health, the gentleman from Maine (Mr. MICHAUD) and the ranking member, the gentleman from Florida (Mr. MILLER) for their bipartisan efforts in crafting this important legislation.

The construction authorization provisions in title I of this bill are identical to previously passed legislation here in the House, the construction authorization bill H.R. 5856, and they would authorize major VA medical facility projects and leases for the fiscal year 2009. This legislation is similar to what we have done in the past on an annual basis. The Veterans' Affairs Committee report for that bill H.R. 5856 with further explanation of the legislation background and intent of these construction authorizations.

Collectively, the provisions authorize approximately $2.2 billion over the next 5 years to improve access to health care for our Nation's veterans. The extension portion of this bill, the extension authorities in title III include a number of important authorizations. Ranking Member BUYER introduced a bill to extend the expiring authorities, H.R. 6802, on August 1 of this year, and this bill incorporates those extensions and others.

Among those that are significant and important are: Repeal of sunset on inclusion of non-institutional extended care services; permanent authority for provision of hospital care, medical services, and nursing home care to veterans who participated in certain chemical and biological testing; extension of nursing home care; and, extension of certain home loan guaranty programs.

The bill, in title III, would also increase the number of veterans participating in the independent living program and enhance refinancing of home loans by veterans.

Mr. Speaker, with House action on this construction authorization and the extension of authorities, as well as the veterans' COLA we just passed a few moments ago in the form of Senate bill 2617, the House will have taken what many consider the must-pass bills for the 2008 session for the 110th Congress. Our hope is that our Senate colleagues will take up H.R. 6832 promptly, so that we may complete the actions on these legislative items that are of great importance to veterans.

Mr. Speaker, I urge my colleagues to support H.R. 6832.

I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield such time as she may consume to one of the most passionate advocates for veterans in our country, Ms. BROWN of Florida.

Ms. CORRINE BROWN of Florida. Mr. Speaker, first, let me thank the chairman for his leadership on this issue and for his tireless work on the committee and on behalf of the Nation's veterans.

I rise in support of H.R. 6832, the Veterans' Programs Extension and Construction Authorization Act of 2008. I am pleased at the construction that has occurred in the State of Florida. My State has the largest elderly veterans population in the country. Everyone enjoys the warm weather, and veterans are no different. It is high time that we build the facilities that will take care of the heroes and sheroes.

In addition, this bill increases the authorization for the construction of a new VA medical center in Orlando. We have waited over 25 years for this facility, and we have construction delays. We cannot allow construction delays because of the lack of money due to increased energy costs or inflation. It would be criminal to do this.

In addition, this bill increases the authorization by $51 million to fund patient privacy at the Gainesville Medical Center. We need to make sure our veterans are treated with respect.

Earlier this year, this Congress passed the Military Construction and Veterans Affairs Appropriation under the leadership of Chairman CHET EDWARDS. I appreciate him including funds for these projects in the bill, along with the continuing development of the medical centers in Florida.

I urge the passing of the bill and continued support for our Nation's veterans. May God continue to bless America.

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

Mr. FILNER. Mr. Speaker, I yield such time as he may consume to Mr. RODRIGUEZ of Texas.

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of this specific legislation.

Let me just indicate that the language that is on there regarding Project 112 efforts, those are studies that were supposedly conducted during the 1960s and 1970s on our own soldiers. There was a variety of studies that were conducted where, basically, we used nerve gas and other things with our own soldiers to see how they would react, and we have prioritized in terms of trying to provide the services and health care needs of these soldiers and to ID them. This allows extension of that language that is needed for us to continue to do the right thing when it comes to our veterans now that suffered under those studies.

Let me also say that this is a comprehensive piece of legislation that begins to fund a variety of different programs throughout the country, and including, Mr. Speaker, in your beloved area of Puerto Rico, which you know a large number of soldiers that served our country reside in and will have an opportunity to get extended health care needs there through the clinics.

In addition, I am proud to announce that we have four major polytrauma centers in this country, and the fifth one is located in San Antonio. This allows the opportunity for funding of that particular polytrauma center that will allow services to be extended to those soldiers coming both from Afghanistan and Iraq that are seriously injured.

So, once again, I want to take this opportunity to thank the leadership for their efforts, and I thank Mr. FILNER for the dedicated work he has providing these resources to our veterans throughout the country.

Mr. MORAN of Kansas. Mr. Speaker, I support this legislation.

I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I would add to what the gentleman from Texas said. You know better than anybody the problems with the facilities in San Juan, Puerto Rico. This does a seismic correction for one of the major buildings on the order of $225 million, and establishes an outpatient clinic in Mayaguez, Puerto Rico. So we are taking some steps, we have a long way to go, for our citizens there in Puerto Rico.

Mr. STEARNS. Mr. Speaker, providing for our nation's veterans—the brave men and women who risk their lives to ensure our freedom—has always been a top priority for me in my service to the people of the sixth district of Florida. I am pleased that we are here today to pass legislation that will authorize much-needed funding for improvements to new and existing VA facilities throughout our country.

Included in this legislation is funding for a new Bed Tower at the Department of Veterans Affairs Medical Center in Gainesville, Florida. For years I have been working on securing funding for an addition to the Malcom Randall VA Hospital in my district, which will help to correct some of the patient privacy deficiencies this hospital has been experiencing over the years.

This facility will address the acute needs of our local veterans by providing them with state-of-the-art, private patient rooms, and the convenience of high quality VA medical care. The funding authorized by this legislation will go toward a five-story, 245,000 square foot facility consisting of four floors of new patient beds and one floor of supporting medical services. This new Bed Tower will have 228 new beds, and will also house a 10-bed ER, Chest Pain Unit, and ENT, Ophthalmology, Urology, and Hematology Clinics.

The Malcom Randall VA Hospital is one of the busiest and efficient VA facilities in the country, and the veterans in my district will benefit greatly from this new Bed Tower. I thank my colleague, Mr. FILNER, for introducing this important legislation, and I look forward to the completion of this new Bed Tower in Gainesville.

Mr. BUYER. Mr. Speaker, I rise today in support of H.R. 6832, the Department of Veterans Affairs Construction and Extensions Act of 2008.

This legislation, which I am cosponsoring along with Chairman FILNER is a bipartisan measure consisting of the construction bill the House of Representatives passed on May 21, 2008, as well as language from the bill I introduced on August 1, 2008, H.R. 6802, the Veterans Authorities Extension Act of 2008, and additional authorizations.

The provisions included from the Committee reported and House passed construction bill, H.R. 5856, would authorize major VA medical facility projects and leases for fiscal year 2009. Included in this legislation is an authorization of $66 million for construction of a fifth Polytrauma Rehabilitation Center in San Antonio, Texas. VA's four existing Polytrauma Centers are located in Richmond, Virginia; Tampa, Florida; Minneapolis, Minnesota; and Palo Alto, California.

Mr. Speaker, this past February, I had the pleasure of visiting the Audie Murphy VA Medical Center in San Antonio for a briefing on

this new project, which will provide state-of-the-art care to our severely injured heroes. The VA Polytrauma Centers are designed to provide comprehensive inpatient rehabilitation services for individuals with complex, severe and disabling traumas. By creating a fifth Polytrauma Center in San Antonio, our commitment to veterans and servicemembers is reinforced by expanding access to the southwestern United States.

H.R. 6832 also will provide the extension of a number of important authorizations. These include: Repeal of the sunset on inclusion of non-institutional extended care services; Extension of recovery audit authority; Permanent authority for provision of hospital care, medical services, and nursing home care to veterans who participated in certain chemical and biological testing; Extension of expiring collections authorities; Extension of nursing home care; Extension of authority to carry out income verification; Extension of certain home loan guaranty programs; Extension of requirement to submit an annual report on the Special Committee on PTSD; Permanent requirement for the biannual report on the Women's Advisory Committee; and Permanent authority for VA's Advisory Committee on Minority Veterans (which was previously passed this last July in H.R. 674).

The bill will also increase the number of veterans participating in the VA's Independent Living Program, and will enhance the refinancing of home loans by veterans.

I would like to thank Chairman FILNER, as well as Health Subcommittee Chairman MICHAEL MICHAUD of Maine and Ranking Member JEFF MILLER of Florida, for their efforts to bring this legislation through the Committee and on to the House floor for consideration. I would also like to commend the Committee staff for their hard work and bipartisan efforts throughout this Congress.

Mr. Speaker, I urge my colleagues to support H.R. 6832, the Department of Veterans Affairs Construction and Extensions Act of 2008.

GENERAL LEAVE

Mr. FILNER. I ask unanimous consent that all Members may have 5 legislation days in which to revise and extend their remarks and include extraneous material on H.R. 6832.

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

There was no objection.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 6832.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

BARRING ACCESS OF LONG-HAUL MEXICAN TRUCKS

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6630) to prohibit the Secretary of Transportation from granting authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless expressly authorized by Congress, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6630

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

SECTION 1. LIMITATION ON LONG-HAUL CROSS BORDER MOTOR CARRIER OPERATIONS.

(a) TERMINATION OF PILOT PROGRAM.—Not later than September 6, 2008, the Secretary of Transportation shall terminate the one-year cross border demonstration project the Secretary started on September 6, 2007, as described in the Federal Register notices dated May 1, 2007 (72 Fed. Reg. 23883), June 8, 2007 (72 Fed. Reg. 31877), and August 17, 2007 (72 Fed. Reg. 46263).

(b) CONGRESSIONAL AUTHORIZATION REQUIRED.—Unless expressly authorized by Congress, the Secretary may not grant authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border after September 6, 2008.

SEC. 2. REPORTS TO CONGRESS.

Not later than 60 days after the date of enactment of this Act—

(1) the Inspector General of the Department of Transportation shall transmit to Congress the final report required by section 6901(c) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28);

(2) the independent review panel established by the Secretary of Transportation to monitor the demonstration project referred to in section 1(a) shall transmit to Congress a report—

(A) evaluating the effects that the demonstration project has had on motor carrier safety, including an analysis of any accidents involving motor carriers participating in the demonstration project; and

(B) containing recommendations for modifications to the process of granting authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border and for monitoring the future operations of such carriers in the United States, in order to enhance safety;

(3) the Secretary shall transmit to Congress a report detailing the implementation of and the participation of motor carriers in the demonstration project referred to in section 1(a), including—

(A) the number and names of United States and Mexico domiciled motor carriers that participated in the demonstration project and the number of vehicles each motor carrier utilized in the demonstration project;

(B) the number of border crossings by motor carriers participating in the demonstration project, including the number of crossings which resulted in a motor carrier traveling beyond United States municipalities and commercial zones on the United States-Mexico border;

(C) an itemization of safety and operational violations identified among motor carriers participating in the demonstration project in pre-authorization safety audits, compliance reviews, and roadside inspections, including a review of the most frequent types of violations;

(D) an analysis of the cost to the Federal Government and State partners of implementing the demonstration project, including administrative costs, safety monitoring and enforcement costs, and the cost of installing global positioning system units on participating vehicles; and

(E) measures taken by the Secretary to terminate the authority of motor carriers participating in the demonstration project to operate beyond United States municipalities and commercial zones on the United States-Mexico border after September 6, 2008, and ensure that such motor carriers cease long-haul operations.

□ 1715

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO).

GENERAL LEAVE

Mr. DEFAZIO. 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. 6630.

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

There was no objection.

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

Last Saturday, September 6, marked a dark day in the transportation history and the safety of the traveling public in the United States of America. It was the 1-year anniversary of the so-called cross-border demonstration project of the Department of Transportation under the Bush administration.

When this pilot program began, 1 year and 5 days ago, they assured us it would be a 1-year pilot. They further assured us that they would fully evaluate the program before opening our border to all Mexican trucks. Unfortunately, Secretary Peters, under the tutelage of the Bush administration, announced last month that they intend to continue the program for two more years.

You know, given the fact that they have ignored Congress' will on this issue repeatedly, I wasn't surprised. But I am outraged. I am outraged that the Bush administration, for political purposes, would jeopardize the safety of the traveling public in the United States of America.

Since the beginning of this idea in the Bush administration, there has been strong and bipartisan congressional objection to the program. There are a number of concerns regarding Mexico's less stringent or nonexistent regulations on hours of service, vehicle safety, driver training and licensing, their nonexistent commercial driver's license database, or the meaningless database that they contend is a registration of commercial driver's licenses, and the fact that there is not

one single certified drug testing laboratory in Mexico.

And I am further concerned that our government, under the leadership of the Bush administration, has said that, don't worry; they'll take care of all of these problems at the border. The Federal Motor Carrier Safety Administration will inspect every truck every time, or so they purport.

There are questions about whether or not they're delivering on that pledge. There are also certainly questions of diverting our already inadequate force of Federal Motor Carrier Safety Administration officials, officers to the border to just inspect the trucks of a few Mexican companies that want to drive long distance in the United States.

The House has already voiced opposition on the implementation of this pilot program in three separate pieces of legislation: H.R. 1773, the Safe American Roads Act of 2007, which the House passed in May 2007 by an overwhelming vote of 411–3, and we'll hear a little bit later from the author of that legislation.

Provisions were also included in the 2007 Iraq war supplemental spending bill to impose strict measures to ensure the pilot program adheres to safety and security guidelines.

And then finally, last December, Congress included a provision in the 2008 Consolidated Appropriations Act to prohibit DOT from using funds to, unfortunately, using the Senate's language instead of ours, establish a cross-border motor carrier program. The Bush administration argues that it was already established and they are just continuing it. The legislation that the House had passed would not have allowed them to parse those words and to continue to violate what is the very clear intent to Congress, despite the bungling of the wording by the Senate.

Because of DOT's blatant disregard of congressional intent, I introduced this bill, H.R. 6630, in July, to ensure the Mexican truck pilot is terminated, and that the results are fully evaluated before the program is either expanded or continued, and to reassert the authority of Congress in this matter. So this is something that should be virtually noncontroversial in this House, this House having spoken previously on this issue, this House being, on a bipartisan basis, fully concerned with the safety of the traveling American public, unlike the administration.

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

Mr. DUNCAN. Mr. Speaker, at this time I would like to yield for such time as he may consume to the distinguished ranking member of the full committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. I appreciate the ranking member of our highway subcommittee, Mr. DUNCAN, yielding to me. And appreciate the hard work Mr. DEFAZIO, who chairs this subcommittee, has put into this legislation, and also Mr. OBERSTAR and others.

I apologize in actually getting in front of my ranking member of the subcommittee, but have a number of Senators and Representatives waiting on me.

I just want to weigh in and say that I support this legislation. I do want to also set, for the record, the conditions under which this administration is acting.

First of all, I voted against NAFTA back in 1993. It was touted as going to be the best thing since sliced bread for the country. While it has increased some exports and some opportunities on both sides of the border, I believe, overall, it sent many jobs south, and unfortunately, it hasn't been all that it was made out to be.

Additionally, one of the reasons I voted against NAFTA was, as far as the North American Free Trade Agreement, trading with Canada was a pretty level playing field. Trading with Mexico isn't the same deal. And within the original language was a provision that allowed Mexican trucks to transverse our borders and come into the United States, which I was opposed to then, and am opposed to now. Now, that has been contested over the years, both in the Clinton administration, also during the Bush administration.

Within, also, the language of NAFTA, folks should realize that they set up a panel, a NAFTA panel, to be the arbiter and the judge of how the U.S. must act. We really relegated our sovereignty to a panel, again, within NAFTA, which, every time the United States has acted in a contrary fashion to the provisions of the treaty, has ruled against the United States.

So here the Bush administration takes a minimal project, moves it forward. And it is a minimal. There is a limit on the number of trucks that can cross, et cetera.

But Congress has the authority now to stop that program, and I think this is the time to stop that program. There are those in Congress who have to make a decision whether they want these trucks now to continue. We don't have to comply with some agreement. Actually, we passed the treaty, and Congress has the responsibility now to act properly and stop, really, what they started, which was not in the interest of the United States in having, again, fleets of Mexican trucks come across our borders.

So this legislation stops a whole host of bad decisions that have been made in the past. And I strongly support this, in spite of any threats from anybody to act in stopping this legislation. We need to pass this legislation. We need to act responsibly and act now.

Mr. DEFAZIO. I yield 2 minutes to the gentlewoman from Kansas (Mrs. BOYDA).

Mrs. BOYDA of Kansas. I thank you so much, Mr. Chairman. I really appreciate all the work that we have been doing on this bill.

How many times have we done this now? We have been here time and time and time again, trying to say that this program of bringing trucks in from Mexico into the United States, when, as you so well pointed out, all the provisions that the American people expect with regard to drugs, with regard to training and maintenance, all of the things that the American people have come to expect out of our American trucking interests are now being put on the line.

And so what is this, the third time that we have tried to put this, bring this program, this crazy program that, in fact, is making just almost a mockery of this Congress, trying to bring this to its final conclusion.

It was a year ago, after we had made, we passed H.R. 1773 by 411–3, after the Senate had passed their bill as well, that we thought maybe at that time that this program was going to come to an end. And yet, on Labor Day, this time a year ago, on Labor Day the President said, no, we're going to go through with this bill, even though it is clearly against the will of the American people.

Now, Labor Day. Let's think about what happens on Labor Day. First of all, how many families do we have crossing on our highways trying to take families from one event to the next, out there? It's an issue of safety to keep our families safe on our highways. It was an absolute slap in the face of the American people, and it was also a slap in the face of our American trucking industry, who has worked hard to live up to the standards that we have in this Congress imposed on them with safety, training, maintenance and all the environmental controls that they have struggled to get, to be in compliance with.

And so a year ago, the President absolutely refuted the will of the American people and said, we're going to go ahead and do this anyway.

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

Mr. DEFAZIO. I yield the gentlewoman an additional minute.

Mrs. BOYDA of Kansas. One of the heaviest traveling weekends for our families, they went ahead and did it anyway.

Now, let me just say that I spent many, many years working in the pharmaceutical industry. And my concern with this is there have been 500 trucks on our highways over the year. And, by the grace of God, we don't know of any fatal or serious accidents that have taken place.

But, Mr. Speaker, I think you will agree with me that the last thing we want to do is approve a drug that hasn't killed 500 people in a year, and certainly we don't want to take this and say that this program is now ready to be opened up into the broader sector.

We need to stop this now. The American people have spoken. It is about our jobs, it is about safety, it is just flat out about common sense. And I hope finally, Mr. Speaker, that after

all of our work on this that we are finally bringing this crazy chapter of having trucks from Mexico be on our highways with our families and our American trucks. I hope we are finally bringing this to a close.

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

Mr. Speaker, I am pleased to be an original cosponsor of H.R. 6630 with Chairman DEFAZIO, Chairman OBERSTAR, and Ranking Member MICA; and I simply want to commend them for the work they have done on this legislation, along with the gentlewoman from Kansas.

On September 6, 2007, the Department of Transportation began a 1-year cross-border demonstration project to open the Mexican border to truck traffic. According to the Department, they instituted this program in order to comply with the North American Free Trade Agreement.

The Department announced on August 4 of this year its intent to extend the program for an additional 2 years.

Like many other Members, I believe there are legitimate concerns about continuing this demonstration project, and many of those have been outlined by Chairman DEFAZIO here a few moments ago.

The bill under consideration today terminates the demonstration project 1 year after it began, just as the Department originally intended, until certain information is provided to the Congress.

□ 1730

Additionally, the bill prohibits the granting of new authority for Mexican trucks to operate beyond the commercial zone on the border without the express authorization of Congress, as I just mentioned.

Last year, we took up consideration and voted overwhelmingly to pass a similar bill, H.R. 1773, the Safe American Roads Act of 2007. Like the bill under consideration today, H.R. 1773 barred Mexican trucks from operating beyond the border zone without Congressional action. That bill passed the Transportation Committee unanimously and then passed in the House—as Chairman DEFAZIO has mentioned, passed the House by a vote of 411–3.

The House has expressed its feeling on this issue in a very strong and bipartisan way. Before the border is completely open to Mexican trucks, we must ensure the safety of motorists on our highways. No matter how much we want to have good relations and trade with our friends in Mexico—and we do—our first obligation is to the American people.

I want to make clear, though, that this bill does not prohibit forever some type of border crossing in relationship with Mexican trucking companies. H.R. 6630 simply requires the Independent Review Panel established by the Secretary of Transportation and the Department of Transportation itself to report to the Congress on the effects that the demonstration project had on motor carrier safety. It also provides a requirement to submit other required information, such as enforcement costs and various safety violations and other things like that, of the companies that have participated in the demonstration project thus far. Once Congress receives this information, Congress could then act to allow Mexican domiciled motor carriers access to the U.S.

This bill does not permanently prevent this type of program but ensures that the border will not be fully open without proper protections in place.

H.R. 6630 will help ensure the safety of our Nation's highways, and especially—and this is so important to me and most Members on both sides—it will help protect our American trucking companies, our small businesses, and our truck drivers. Republicans and Democrats have come together in the interest of the Nation and produced a bipartisan bill that impacts the entire Nation.

I support this bill, and I encourage my colleagues to do the same.

I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I would yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Thank you, Mr. Chairman. I would also thank you for forging this legislation in a bipartisan way which you will hopefully have unanimous support with this Congress. This program we're trying to roll back I think is one of the most dangerous programs this administration has ever tried to put into effect.

I represent the entire California-Mexico border. It is my district. I know what happens with these trucks at the border. We haven't dealt with issues of licensing of drivers, we haven't dealt with insurance or safety of the trucks, not even mentioning the jobs that are lost to American truckers.

Let me just tell you two things very quickly about what goes on at the border.

The Federal Motor Carrier Transportation Administration issues what it calls a tamperproof sticker, a green sticker to say that this truck is safe. I have been in Tijuana and I have seen these windshields which have the tamperproof sticker put on different trucks. So they haven't tampered with the sticker, but they put it on a different truck.

I have seen papers that supposedly guarantee insurance of a truck. A company that owns 10 trucks will buy an insurance policy for one truck and pass that paper around to all of the other ones. They're very difficult to distinguish. They pass the muster at the border and they're free, under this program that we're trying to stop, to move around in our Nation without really having any choice.

We could go on for hours on this. We have looked at all of these different aspects that the administration just refuses to look at.

So, Mr. DEFAZIO, thank you for bringing this to us. We have got to stop this program. We've got to stop it now and save both jobs and lives of American truckers.

Mr. DUNCAN. Mr. Speaker, I yield such time as she may consume to the gentlelady from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Thank you very much.

Mr. Speaker, I rise today in support of H.R. 6630. This bill prohibits the Secretary of Transportation from authorizing any Mexican truck from operating beyond the United States-Mexican border unless specifically authorized by Congress.

Many of my constituents and I are greatly concerned over the safety and wisdom of the cross-border trucking pilot program. Currently, this program allows trucks registered in Mexico to operate beyond the border commercial zones in California, Arizona, New Mexico, and Texas.

When this program began, the Department of Transportation promised Congress that they would inspect, ''every truck every time.'' However, an Inspector General report revealed earlier this year that the Department of Transportation is not adequately performing critical quality control measures. Crucially, the department has been unable to provide any assurance that Mexican trucks and drivers are being checked at the border as advertised.

Quality control checks are not the only problem. Increased drug smuggling and human trafficking is a grave concern as well. And different national regulations mean Mexican trucks are less safe. In January of this year, Mr. Speaker, two tractor trailer trucks with Mexican license plates crashed on the Mexico-Texas border. Four people died.

If the Department of Transportation and any future administration wish to restart the cross-border trucking pilot program, this bill would require them to first seek congressional authorization. Simply put, the security of our Nation's borders must be of the utmost concern.

Speaking of trucks, Mr. Speaker, I, like all Members of Congress, am hearing from truckers in my district about the very high cost of fuel. They ask why won't the Democrat majority, and in particular why won't Speaker PELOSI allow drilling to lower the cost of their fuel. We need to have an all-in energy program.

Mr. Speaker, back on the bill, I urge all of my colleagues to support H.R. 6630 and the termination of the cross-border trucking pilot program.

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

I would like to point out that I believe that this is a long-standing desire on the part of both the President—whose name shall not be mentioned at least on the Republican side of the aisle—George W. Bush and other members of his administration. In fact, as early as December 26, 1996, the headline

of the Journal of Commerce, Texas, ''Governor Berates Clinton Over Delay in Border Opening.'' And then June 17, 1996, Texas Governor George W. Bush, now the President of the United States, issues a call for the start of NAFTA trucking.

George W. Bush has long been an advocate of fully opening the border. In fact, before 9/11 he wanted to move to a borderless state between the U.S. and Mexico. Security concerns overrode him there. But he's trying to do it with trucks.

And hand-in-glove with the President is Secretary of Transportation, Mary Peters. Her track record on this is disingenuous at best, deceitful, or perhaps she perjured herself. She said in her Senate confirmation hearing, ''There are no immediate plans to pursue a pilot program.''

But since she made that statement, we find that while she was head of the Federal Highway Administration from 2001 to 2005, plans were well underway by the Bush administration to open the border. It was first raised in the fall of 2004 between former Secretary Mineta and Mexican Secretary Cerisola in November of 2004.

And in early 2005, DOT actually was crafting a proposal. In a document entitled, ''Implementing NAFTA's Commercial Motor Carrier access Provisions—A Pilot Approach,'' outlined early plans for pilot programming. And it said, ''The essence of a pilot would be to create a crack in the current impasse and allow the pressure of time, and most importantly, the Mexican carriers not participating in the pilot, to enlarge the crack, to a point that a complete liberalization of the border becomes a fait accompli.''

They used French despite their disdain for the French position of not invading Iraq.

However, you know, as I said, Ms. Peters contradicted that.

So what we have here is an administration that is dead set to defy the will of the United States Congress as expressed in a bipartisan way to protect the safety of the American traveling public and to prevent the continuation and/or expansion of this program.

We should, Mr. Speaker, pass this bill with hopefully a unanimous vote or near unanimous vote to send yet one last message to this Bush administration and the law defiers and the dissemblers downtown and tell them to bring this program to a halt as they promised. It would have halted on September 6, 2007.

With that, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield 2 minutes at this time to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. I thank my colleague from Tennessee for yielding.

I agree that this is a problematic program, and I agree also with my colleague from Florida, Congresswoman GINNY BROWN-WAITE, that what I am hearing at home is from truckers in my district, as well as average citizens, who are complaining about the high price of gasoline. And of course the truckers are complaining about the high price of diesel. And they want to know why is this Congress not doing something about the high price of gasoline.

As we have said often on this floor, Republicans are ready to vote on an all-of-the-above strategy to bring down the price of gasoline. And we know Americans are going to be facing very high prices for fuel oil pretty soon. So we want to do something about the high price of gasoline by bringing up the American Energy Act and having an up-or-down vote on what to do about bringing down the price of gasoline by providing more supply.

As I have said many times on this floor, the Republicans are pro-American energy. We want to see more American energy supplied to the American consumers. We want more oil, we want alternatives, but we can't get energy independent without drilling for more oil and having a segue into the alternatives. We believe that Democrats are anti-American energy, and anti-American energy is going to keep the price of gasoline very high. It's also going to make the price of fuel oil this winter very high, which is going to hurt all of our citizens.

So we want to help our truckers, we want to help our seniors, we want to help other agencies who are struggling with this as well as our average citizens. Bring down the price of gasoline and bring down the price of fuel oil by bringing the American Energy Act for a vote and allow us to have an up-or-down vote. Do we drill in ANWR? Do we drill in the Outer Continental Shelf? Or do we allow the Democrats to continue to play games with this Congress?

Mr. DEFAZIO. Mr. Speaker, can you tell me about the remaining time?

The SPEAKER pro tempore. The gentleman from Tennessee has 7 minutes. The gentleman from Oregon has 6½ minutes.

Mr. DEFAZIO. Mr. Speaker, I had hoped to restrict this debate to the failings of the Republican Bush administration in protecting the safety of the American traveling public and the jobs of American truckers. Unfortunately, the gentlelady before us apparently has amnesia because she forgets that the Republicans controlled the House, the Senate, and the White House for 6 years. And during those 6 years, Vice President CHENEY wrote an energy policy in secret with the big oil companies.

□ 1745

George Bush walked hand-in-hand with the King of Saudi Arabia, and they designed a policy. That policy that was actually designed to make us more dependent on foreign oil rather than less, and many of us who opposed it then in the minority said this is not a solution to America's energy problems. You are going to make us more dependent on foreign oil, and we are, exactly as was designed by Vice President CHENEY, endorsed by President Bush and passed by the Republican House and the Republican Senate. That's the energy policy we're living under, that.

Now, today, they're born again as defenders of the American consumers, and they pocket hundreds of millions—sorry, hundreds of thousands, millions of dollars in contributions from Big Oil. They want to rush forward yet again with a shortsighted policy while giving lip service to a long-term solution to our energy needs.

We will have a comprehensive bill on the floor later this week, and we will see where the Republicans really stand on this issues. Do they stand with the American people, with American consumers? Will they look forward to the future and finally freeing us from the trial and enslavement to the OPEC nations? We will see later this week.

With that, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank my friend for yielding, and I think the underlying bill has some merit.

I'm curious, my friend from Oregon getting so exercised and excited about this debate. I appreciate his passion. I would, however, correct his amnesia because bill after bill after bill that resulted in legislation passed through this House that would increase American-made energy for Americans did so over the previous 6 years before this Democrat majority came into office and was stymied in the Senate by 41 Democrats. That's all it takes in the Senate, as you know, Mr. Speaker. That's all it takes.

So what we heard over the last 5 weeks—I know it's what my friend from Oregon heard at home—is that the American people are tired of all this. They want action. They want American-made energy for Americans. They want to decrease our dependence on foreign oil, and they want action.

And so over the last 2 days we've been debating bill after bill, and they've been some wonderful bills. We've named a number of post offices. We've done a lot of interesting work, but what we haven't done is address the number one issue of the American people, and that is the high cost of gasoline and energy.

So we look forward with great anticipation to the bill that will be rolled out later this week. Granted it hasn't been an open process. Granted it hasn't been a fair process. But we hope that an open rule will allow that bill to come to the floor so that we can have an opportunity to have Members of this House of Representatives, as the rules would allow, have input, to represent their constituents, again, on the most important issue of the day.

We hope that the bill doesn't include remarkable tax increases on domestic

oil producers so this Democrat majority takes us further in the direction of dependence on foreign oil. We hope that isn't the case.

We hope that the bill doesn't include ridiculous components that make it so that it would be impossible to utilize 80 percent of the resources that we have offshore.

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

Mr. DUNCAN. I yield the gentleman an additional minute.

Mr. PRICE of Georgia. We hope that the Democrat majority has listened over the last 5 weeks when they've been home on their vacation. We hope that they've listened to their constituents and recognize that folks at home want us to explore offshore, not just off four eastern States, Mr. Speaker, but off the areas where there is significant resources that we know is there. That means off the western coast of Florida. That means off the west coast. That means utilizing deep sea exploration in Alaska and also onshore exploration.

We hope that the bill contains limitations on the ability to sue and hold up leases. Every single lease that has been let by this administration in the last 2 years is now in court, over a thousand of them, because of the lax laws on liability.

Mr. Speaker, we look forward to a commonsense bill. We look forward to an all-of-the-above bill. We look forward to a bill that will answer the number one concern of the American people, that they want American-made energy for Americans now.

Mr. DEFAZIO. I have the right to close, and I will be the last speaker.

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

Once again, I will say this is a bill primarily concerned about the safety and fairness to American trucking companies and American truckers. I agree with my colleagues that the high cost of energy, high cost of diesel fuel has hit especially small trucking companies and truckers harder than almost anyone, and certainly Republicans have been trying desperately for several months to do everything possible to increase energy production in this country, which is the only way to bring down these exorbitant costs we've been experiencing over the last 2 years.

The cost of gasoline when Speaker PELOSI was sworn in was a little over $2 gallon. Now, it's gone to more than $4 a gallon but has started coming down now just because of the threat of increased production. And we certainly need to do more in regard to that to be fair and helpful to our truckers and our trucking companies.

Now, let me say once again: this is a very moderate, sensible, balanced, and reasonable bill. It does not prohibit some sort of program for Mexican trucking companies that are safe and don't have all these violations. It would allow them to come in after additional information is given to the Congress about the results from this 1-year demonstration project. That's not much to ask for from the administration, and we need that information about safety violations.

We need to find out whether these Mexican truck drivers have drug addictions or they have numerous safety violations, find out whether some of these trucking companies are coming in, these trucks are coming in here in a very unsafe and uninsured condition.

So I think this is a bill that all of our colleagues on both sides of the aisle can support. As I said earlier, practically the same bill was passed a few months ago by a vote of 411–3, and I ask all of my colleagues to support this legislation which has bipartisan support.

I yield back the balance of my time.

Mr. DEFAZIO. I thank the gentleman for returning to the subject at hand, which is the safety of the traveling public and American jobs which the Bush administration would disregard by continuing their pilot program, violating their promise to only continue the program as a pilot for 1 year, 1 year having expired last Saturday, further violating and ignoring the intent of the Congress which has on numerous occasions expressed concerns regarding this program and its effect on the traveling public.

So I would hope that, on a bipartisan basis, we can send a message to the Bush White House by passing this bill unanimously, or nearly unanimously, and say that the Congress cares about the safety of the traveling public. The Congress cares about the fact there's no meaningful commercial driver's license database in Mexico. We don't really know who these people are.

The Congress cares about the fact that there is no meaningful hours of service program in Mexico and that many of these drivers may be crossing the border fatigued to the point of endangering public safety.

The Congress cares about the fact that there is no certified drug testing laboratory in Mexico, no meaningful program of testing for drugs of truck drivers in Mexico.

The Congress cares about the potential for insurance fraud and other things as mentioned by our colleague from California (Mr. FILNER).

And the Congress is determined that this administration, the administration of George W. Bush, this Republican administration, should stop violating the law and violating the law and jeopardizing the American public for their own ideological ends in their hope that they can pry this program open wide enough that a future Congress or a future administration won't be able to slam it shut again.

Mr. STARK. Mr. Speaker, I rise today to support H.R. 6630, a bill to Bar Access of Long-Haul Mexican Trucks. I do so to reject this Administration's dismissal of clear Congressional intent and on behalf of hundreds of my constituents who contacted me to express their opposition to this program.

Congress has a duty to protect our highways from drivers without adequate safety equipment. This bill enables a full examination into the potential effects of allowing Mexican trucks to enter the United States. Then, Congress can consider whether to allow such entry.

Congress has come together—on a bipartisan basis—time again to stop the pilot program. Unfortunately, we have been conistently disregarded by an Administration more concerned with pushing through cross-border trade agreements than the safety of our highways.

In 2007, the Supplemental Appropriations bill explicitly contained language limiting the implementation of the pilot program. Despite this, the Department of Transportation (DOT) launched the pilot.

In response, the 2008 Transportation Appropriations bill prevented the DOT from using Federal money to fund the pilot program. DOT challenged this language and continued with the program.

At the end of July 2008, the House Committee on Transportation and Infrastructure unanimously voted to end the DOT pilot program. Immediately afterward, the DOT defiantly declared it was extending the pilot program—not terminating it.

The most vocal message from the House came with the passage of the Safe American Roads Act in May 2007. The bill posed time limits on the pilot program and reporting requirements on the DOT.

SARA was a powerful, bipartisan effort. 411 members voted for the measure and only three voted against it. However, this overwhelming effort has been undermined by the Administration in its determination to open our borders to unsafe and environmentally damaging transportation practices. The Administration has performed legal and linguistic contortion upon contortion to find loopholes and semantic arguments designed to bypass the very clear intent of Congress; and Congress must not stand for it.

I encourage all of my colleagues to join us in supporting this legislation to protect America's highways and push back against such blatant Executive disregard for the intent of Congress.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 6630. This is a bill with a simple purpose: to require a cross-border trucking pilot program initiated by the Department of Transportation (''DOT'') on September 6, 2007, to terminate immediately, and to force the Administration to stay true to its word that this program remain a short-term, limited experiment.

In February of last year, the Secretary of Transportation first announced her intent to launch a pilot program to allow up to 100 Mexico-domiciled motor carriers to operate beyond the commercial zones at the U.S.-Mexico border. The Secretary assured Congress and the American people that this pilot program would last one year. The Secretary made this pledge at news conferences and multiple Congressional hearings. DOT further cemented this commitment by publishing the details of a one-year pilot program in three separate Federal Register notices.

The Committee on Transportation and Infrastructure ordered H.R. 6630 reported in July in anticipation of the one-year mark, which occurred a few days ago. We considered this bill, which statutorily requires the Secretary to shut the program down after one year, because we had no reason to believe that the

Administration would terminate the pilot program and revoke the authority of participating carriers—unless compelled to do so by Congress.

We were right. On August 4, 2008, on the first day of the Congressional recess, DOT announced that it would extend the program for an additional two years, through 2010.

Since last February, I have expressed my strong concerns over whether safety on U.S. roads would be adversely impacted and whether DOT was ready to enforce all Federal motor carrier laws and regulations. I have also expressed my amazement with the careless way that the Administration has violated the will of Congress and the spirit of the law over the last 18 months.

Today, I repeat these sentiments and say enough is enough. It is time for DOT to be held accountable for its actions and made to keep its own promises.

The House has already voiced strong, bipartisan opposition to the implementation of this pilot program in three separate pieces of legislation, each of which DOT has strongly opposed:

The House passed H.R. 1773, the Safe American Roads Act of 2007, on May 15 by a vote of 411–3.

On May 25, 2007, the House passed the U.S. Troop Readiness, Veterans Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28), which was signed by the President, and which included a number of safety prerequisites regarding the proposed pilot program. DOT glossed over these requirements and moved ahead without fully taking them into account.

On July 24, 2007, the House passed the FY 2008 Transportation, Housing and Urban Development, and Related Agencies Appropriations bill (H.R. 3074) with a provision to bar DOT from using any funds to implement its proposed pilot program. A similar provision was included in the Consolidated Appropriations Act of 2008 (P.L. 110–161), approved by the House on December 17, 2007. DOT found a technical ''out'' to avoid compliance with this provision.

DOT pushed past Congressional concerns in establishing this program. The Department has pushed on despite strong opposition to extend the program, and they will continue to push on. Carriers participating in the pilot program have been granted provisional operating authority for 18 months, after which DOT could allow the authority to become permanent.

Without further Congressional action, this ''experiment'' will turn into what opponents of this program have feared all along—a sea change in surface transportation policy.

To date, participation in the pilot program has been underwhelming. According to Federal Motor Carrier Safety Association (''FMCSA'') data, 27 Mexican carriers operating 107 trucks and 10 U.S. carriers operating 55 trucks are participating in the pilot program. Pilot program participants from Mexico crossed into the United States 9,776 times. Only 1,337 of these crossings, or 14 percent, resulted in carriers traveling beyond the border zones.

To accommodate a small fraction of trips taken by these 37 carriers, the Federal Government has spent more than $500 million since 1995 to prepare for opening of the U.S.-Mexico border to motor carrier traffic.

This is more than the entire FMCSA budget for all Federal motor carrier safety programs in all 50 States for FY 2008.

While spending thousands of hours of staff resources to implement the Administration's cross-border operations, FMCSA has yet to finalize 14 Congressionally mandated rulemakings—some of which have been pending since {999—on critical motor carrier safety issues such as medical certification of drivers, commercial drivers license testing standards, hours of service, and revocation of operating authority from a carrier with a pattern of safety violations. Several reports are also overdue—including a report on whistleblower protections required in 1998.

There is nothing in the North American Free Trade Agreement, or any other trade agreement, that abrogates the authority of Congress to exercise its power under the Constitution to change domestic law. It is time for Congress to reclaim its ability to have some bearing on the obligations contained in the surface transportation provisions of NAFTA.

I thank the Chairman of the Subcommittee on Highways and Transit, Mr. DEFAZIO, for introducing the bill, and Ranking Member MICA and Subcommittee Ranking Member DUNCAN for joining with us in this effort.

I urge my colleagues to join me in supporting H.R. 6630.

Mr. DEFAZIO. 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 Oregon (Mr. DEFAZIO) that the House suspend the rules and pass the bill, H.R. 6630, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DEFAZIO. 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.

PREVENT ALL CIGARETTE TRAFFICKING ACT OF 2008

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4081) to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4081

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

SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the ''Prevent All Cigarette Trafficking Act of 2008'' or ''PACT Act''.

(b) FINDINGS.—Congress finds that—

(1) the sale of illegal cigarettes and smokeless tobacco products significantly reduces Federal, State, and local government revenues, with Internet sales alone accounting for billions of dollars of lost Federal, State, and local tobacco tax revenue each year;

(2) Hezbollah, Hamas, al Qaeda, and other terrorist organizations have profited from trafficking in illegal cigarettes or counterfeit cigarette tax stamps;

(3) terrorist involvement in illicit cigarette trafficking will continue to grow because of the large profits such organizations can earn;

(4) the sale of illegal cigarettes and smokeless tobacco over the Internet, and through mail, fax, or phone orders, make it cheaper and easier for children to obtain tobacco products;

(5) the majority of Internet and other remote sales of cigarettes and smokeless tobacco are being made without adequate precautions to protect against sales to children, without the payment of applicable taxes, and without complying with the nominal registration and reporting requirements in existing Federal law;

(6) unfair competition from illegal sales of cigarettes and smokeless tobacco is taking billions of dollars of sales away from law-abiding retailers throughout the United States;

(7) with rising State and local tobacco tax rates, the incentives for the illegal sale of cigarettes and smokeless tobacco have increased;

(8) the number of active tobacco investigations being conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives rose to 452 in 2005;

(9) the number of Internet vendors in the United States and in foreign countries that sell cigarettes and smokeless tobacco to buyers in the United States increased from only about 40 in 2000 to more than 500 in 2005; and

(10) the intrastate sale of illegal cigarettes and smokeless tobacco over the Internet has a substantial effect on interstate commerce.

(c) PURPOSES.—It is the purpose of this Act to—

(1) require Internet and other remote sellers of cigarettes and smokeless tobacco to comply with the same laws that apply to law-abiding tobacco retailers;

(2) create strong disincentives to illegal smuggling of tobacco products;

(3) provide government enforcement officials with more effective enforcement tools to combat tobacco smuggling;

(4) make it more difficult for cigarette and smokeless tobacco traffickers to engage in and profit from their illegal activities;

(5) increase collections of Federal, State, and local excise taxes on cigarettes and smokeless tobacco; and

(6) prevent and reduce youth access to inexpensive cigarettes and smokeless tobacco through illegal Internet or contraband sales.

SEC. 2. COLLECTION OF STATE CIGARETTE AND SMOKELESS TOBACCO TAXES.

(a) DEFINITIONS.—The Act of October 19, 1949 (15 U.S.C. 375 et seq.; commonly referred to as the ''Jenkins Act'') (referred to in this Act as the ''Jenkins Act''), is amended by striking the first section and inserting the following:

''SECTION 1. DEFINITIONS.

''As used in this Act, the following definitions apply:

''(1) ATTORNEY GENERAL.—The term 'attorney general', with respect to a State, means the attorney general or other chief law enforcement officer of the State, or the designee of that officer.

''(2) CIGARETTE.—

''(A) IN GENERAL.—For purposes of this Act, the term 'cigarette' shall—

''(i) have the same meaning given that term in section 2341 of title 18, United States Code; and

''(ii) include 'roll-your-own tobacco' (as that term is defined in section 5702 of the Internal Revenue Code of 1986).

''(B) EXCEPTION.—For purposes of this Act, the term 'cigarette' does not include a

'cigar', as that term is defined in section 5702 of the Internal Revenue Code of 1986.

''(3) COMMON CARRIER.—The term 'common carrier' means any person (other than a local messenger service or the United States Postal Service) that holds itself out to the general public as a provider for hire of the transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

''(4) CONSUMER.—The term 'consumer' means any person that purchases cigarettes or smokeless tobacco, but does not include any person lawfully operating as a manufacturer, distributor, wholesaler, or retailer of cigarettes or smokeless tobacco.

''(5) DELIVERY SALE.—The term 'delivery sale' means any sale of cigarettes or smokeless tobacco to a consumer if—

''(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

''(B) the cigarettes or smokeless tobacco are delivered to the buyer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

''(6) DELIVERY SELLER.—The term 'delivery seller' means a person who makes a delivery sale.

''(7) INDIAN COUNTRY.—The term 'Indian country' means—

''(A) Indian country as defined in section 1151of title 18, United States Code, except that within the State of Alaska that term applies only to the Metlakatla Indian Community, Annette Island Reserve; and

''(B) any other land held by the United States in trust or restricted status for one or more Indian tribes.

''(8) INDIAN TRIBE.—The term 'Indian tribe', 'tribe', or 'tribal' refers to an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) or as listed pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

''(9) INTERSTATE COMMERCE.—The term 'interstate commerce' means commerce between a State and any place outside the State, commerce between a State and any Indian country in the State, or commerce between points in the same State but through any place outside the State or through any Indian country.

''(10) PERSON.—The term 'person' means an individual, corporation, company, association, firm, partnership, society, State government, local government, Indian tribal government, governmental organization of such government, or joint stock company.

''(11) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

''(12) SMOKELESS TOBACCO.—The term 'smokeless tobacco' means any finely cut, ground, powdered, or leaf tobacco, or other product containing tobacco, that is intended to be placed in the oral or nasal cavity or otherwise consumed without being combusted.

''(13) TOBACCO TAX ADMINISTRATOR.—The term 'tobacco tax administrator' means the State, local, or tribal official duly authorized to collect the tobacco tax or administer the tax law of a State, locality, or tribe, respectively.

''(14) TRIBAL ENTERPRISE.—The term 'tribal enterprise' means any business enterprise, incorporated or unincorporated under federal or tribal law, of an Indian tribe or group of Indian tribe.

''(15) USE.—The term 'use', in addition to its ordinary meaning, means the consumption, storage, handling, or disposal of cigarettes or smokeless tobacco.''.

(b) REPORTS TO STATE TOBACCO TAX ADMINISTRATORS.—Section 2 of the Jenkins Act (15 U.S.C. 376) is amended—

(1) by striking ''cigarettes'' each place it appears and inserting ''cigarettes or smokeless tobacco'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''CONTENTS.—'' after ''(a)''

(ii) by striking ''or transfers'' and inserting '', transfers, or ships'';

(iii) by inserting '', locality, or Indian country of an Indian tribe'' after ''a State'';

(iv) by striking ''to other than a distributor licensed by or located in such State,''; and

(v) by striking ''or transfer and shipment'' and inserting '', transfer, or shipment'';

(B) in paragraph (1)—

(i) by striking ''with the tobacco tax administrator of the State'' and inserting ''with the Attorney General of the United States and with the tobacco tax administrators of the State and place''; and

(ii) by striking ''; and'' and inserting the following: '', as well as telephone numbers for each place of business, a principal electronic mail address, any website addresses, and the name, address, and telephone number of an agent in the State authorized to accept service on behalf of such person;'';

(C) in paragraph (2), by striking ''and the quantity thereof.'' and inserting ''the quantity thereof, and the name, address, and phone number of the person delivering the shipment to the recipient on behalf of the delivery seller, with all invoice or memoranda information relating to specific customers to be organized by city or town and by zip code; and''; and

(D) by adding at the end the following:

''(3) with respect to each memorandum or invoice filed with a State under paragraph (2), also file copies of such memorandum or invoice with the tobacco tax administrators and chief law enforcement officers of the local governments and Indian tribes operating within the borders of the State that apply their own local or tribal taxes on cigarettes or smokeless tobacco.'';

(3) in subsection (b)—

(A) by inserting ''PRESUMPTIVE EVIDENCE.—'' after ''(b)'';

(B) by striking ''(1) that'' and inserting ''that''; and

(C) by striking '', and (2)'' and all that follows and inserting a period; and

(4) by adding at the end the following:

''(c) USE OF INFORMATION.—A tobacco tax administrator or chief law enforcement officer who receives a memorandum or invoice under paragraph (2) or (3) of subsection (a) shall use such memorandum or invoice solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and shall keep confidential any personal information in such memorandum or invoice not otherwise required for such purposes.''.

(c) REQUIREMENTS FOR DELIVERY SALES.—The Jenkins Act is amended by inserting after section 2 the following:

''SEC. 2A. DELIVERY SALES.

''(a) IN GENERAL.—With respect to delivery sales into a specific State and place, each delivery seller shall comply with—

''(1) the shipping requirements set forth in subsection (b);

''(2) the recordkeeping requirements set forth in subsection (c);

''(3) all State, local, tribal, and other laws generally applicable to sales of cigarettes or smokeless tobacco as if such delivery sales occurred entirely within the specific State and place, including laws imposing—

''(A) excise taxes;

''(B) licensing and tax-stamping requirements;

''(C) restrictions on sales to minors; and

''(D) other payment obligations or legal requirements relating to the sale, distribution, or delivery of cigarettes or smokeless tobacco; and

''(4) the tax collection requirements set forth in subsection (d).

''(b) SHIPPING AND PACKAGING.—

''(1) REQUIRED STATEMENT.—For any shipping package containing cigarettes or smokeless tobacco, the delivery seller shall include on the bill of lading, if any, and on the outside of the shipping package, on the same surface as the delivery address, a clear and conspicuous statement providing as follows: 'CIGARETTES/SMOKELESS TOBACCO: FEDERAL LAW REQUIRES THE PAYMENT OF ALL APPLICABLE EXCISE TAXES, AND COMPLIANCE WITH APPLICABLE LICENSING AND TAX–STAMPING OBLIGATIONS'.

''(2) FAILURE TO LABEL.—Any shipping package described in paragraph (1) that is not labeled in accordance with that paragraph shall be treated as nondeliverable matter by a common carrier or other delivery service, if the common carrier or other delivery service knows or should know the package contains cigarettes or smokeless tobacco. If a common carrier or other delivery service believes a package is being submitted for delivery in violation of paragraph (1), it may require the person submitting the package for delivery to establish that it is not being sent in violation of paragraph (1) before accepting the package for delivery. Nothing in this paragraph shall require the common carrier or other delivery service to open any package to determine its contents.

''(3) WEIGHT RESTRICTION.—A delivery seller shall not sell, offer for sale, deliver, or cause to be delivered in any single sale or single delivery any cigarettes or smokeless tobacco weighing more than 10 pounds.

''(4) AGE VERIFICATION.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, a delivery seller who mails or ships tobacco products—

''(i) shall not sell, deliver, or cause to be delivered any tobacco products to a person under the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery;

''(ii) shall use a method of mailing or shipping that requires—

''(I) the purchaser placing the delivery sale order, or an adult who is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery, to sign to accept delivery of the shipping container at the delivery address; and

''(II) the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that the person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery; and

''(iii) shall not accept a delivery sale order from a person without—

''(I) obtaining the full name, birth date, and residential address of that person; and

''(II) verifying the information provided in subclause (I), through the use of a commercially available database or aggregate of databases, consisting primarily of data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication, to ensure that the purchaser is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery.

''(B) LIMITATION.—No database being used for age and identity verification under subparagraph (A)(iii) shall be in the possession or under the control of the delivery seller, or be subject to any changes or supplementation by the delivery seller.

''(c) RECORDS.—

''(1) IN GENERAL.—Each delivery seller shall keep a record of any delivery sale, including all of the information described in section 2(a)(2), organized by the State, and within such State, by the city or town and by zip code, into which such delivery sale is so made.

''(2) RECORD RETENTION.—Records of a delivery sale shall be kept as described in paragraph (1) in the year in which the delivery sale is made and for the next 4 years.

''(3) ACCESS FOR OFFICIALS.—Records kept under paragraph (1) shall be made available to tobacco tax administrators of the States, to local governments and Indian tribes that apply their own local or tribal taxes on cigarettes or smokeless tobacco, to the attorneys general of the States, to the chief law enforcement officers of such local governments and Indian tribes, and to the Attorney General of the United States in order to ensure the compliance of persons making delivery sales with the requirements of this Act.

''(d) DELIVERY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no delivery seller may sell or deliver to any consumer, or tender to any common carrier or other delivery service, any cigarettes or smokeless tobacco pursuant to a delivery sale unless, in advance of the sale, delivery, or tender—

''(A) any cigarette or smokeless tobacco excise tax that is imposed by the State in which the cigarettes or smokeless tobacco are to be delivered has been paid to the State;

''(B) any cigarette or smokeless tobacco excise tax that is imposed by the local government of the place in which the cigarettes or smokeless tobacco are to be delivered has been paid to the local government; and

''(C) any required stamps or other indicia that such excise tax has been paid are properly affixed or applied to the cigarettes or smokeless tobacco.

''(2) EXCEPTION.—Paragraph (1) does not apply to a delivery sale of smokeless tobacco if the law of the State or local government of the place where the smokeless tobacco is to be delivered requires or otherwise provides that delivery sellers collect the excise tax from the consumer and remit the excise tax to the State or local government, and the delivery seller complies with the requirement.

''(e) LIST OF UNREGISTERED OR NONCOMPLIANT DELIVERY SELLERS.—

''(1) IN GENERAL.—

''(A) INITIAL LIST.—Not later than 90 days after this subsection goes into effect under the Prevent All Cigarette Trafficking Act of 2008, the Attorney General of the United States shall compile a list of delivery sellers of cigarettes or smokeless tobacco that have not registered with the Attorney General, pursuant to section 2(a) or that are otherwise not in compliance with this Act, and—

''(i) distribute the list to—

''(I) the attorney general and tax administrator of every State;

''(II) common carriers and other persons that deliver small packages to consumers in interstate commerce, including the United States Postal Service; and

''(III) at the discretion of the Attorney General of the United States, to any other persons; and

''(ii) publicize and make the list available to any other person engaged in the business of interstate deliveries or who delivers cigarettes or smokeless tobacco in or into any State.

''(B) LIST CONTENTS.—To the extent known, the Attorney General of the United States shall include, for each delivery seller on the list described in subparagraph (A)—

''(i) all names the delivery seller uses in the transaction of its business or on packages delivered to customers;

''(ii) all addresses from which the delivery seller does business or ships cigarettes or smokeless tobacco;

''(iii) the website addresses, primary e-mail address, and phone number of the delivery seller; and

''(iv) any other information that the Attorney General determines would facilitate compliance with this subsection by recipients of the list.

''(C) UPDATING.—The Attorney General of the United States shall update and distribute the list at least once every 4 months, and may distribute the list and any updates by regular mail, electronic mail, or any other reasonable means, or by providing recipients with access to the list through a nonpublic website that the Attorney General of the United States regularly updates.

''(D) STATE, LOCAL, OR TRIBAL ADDITIONS.—The Attorney General of the United States shall include in the list under subparagraph (A) any noncomplying delivery sellers identified by any State, local, or tribal government under paragraph (5), and shall distribute the list to the attorney general or chief law enforcement official and the tax administrator of any government submitting any such information and to any common carriers or other persons who deliver small packages to consumers identified by any government pursuant to paragraph (5).

''(E) ACCURACY AND COMPLETENESS OF LIST OF NONCOMPLYING DELIVERY SELLERS.—In preparing and revising the list required by subparagraph (A), the Attorney General shall—

''(i) use reasonable procedures to ensure maximum possible accuracy and completeness of the records and information relied on for the purpose of determining that such delivery seller is noncomplying;

''(ii) not later than 14 days prior to including any delivery seller on the list under paragraph (1), make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on such list or update, with that notice citing the relevant provisions of this Act and the specific reasons for being placed on such list;

''(iii) provide an opportunity to such delivery seller to challenge placement on such list;

''(iv) investigate each such challenge by contacting the relevant Federal, State, tribal, and local law enforcement officials, and provide the specific findings and results of such investigation to such delivery seller not later than 30 days after the challenge is made; and

''(v) upon finding that any placement is inaccurate, incomplete, or cannot be verified, promptly delete such delivery seller from the list as appropriate and notify each appropriate Federal, State, tribal, and local authority of such finding.

''(F) CONFIDENTIALITY.—The list distributed pursuant to subparagraph (A) shall be confidential, and any person receiving the list shall maintain the confidentiality of the list but may deliver the list, for enforcement purposes, to any government official or to any common carrier or other person that delivers tobacco products or small packages to consumers. Nothing in this section shall prohibit a common carrier, the United States Postal Service, or any other person receiving the list from discussing with the listed delivery sellers the delivery sellers' inclusion on the list and the resulting effects on any services requested by such listed delivery seller.

''(2) PROHIBITION ON DELIVERY.—

''(A) IN GENERAL.—Commencing on the date that is 60 days after the date of the initial distribution or availability of the list under paragraph (1)(A), no person who receives the list under paragraph (1), and no person who delivers cigarettes or smokeless tobacco to consumers, shall knowingly complete, cause to be completed, or complete its portion of a delivery of any package for any person whose name and address are on the list, unless—

''(i) the person making the delivery knows or believes in good faith that the item does not include cigarettes or smokeless tobacco;

''(ii) the delivery is made to a person lawfully engaged in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

''(iii) the package being delivered weighs more than 100 pounds and the person making the delivery does not know or have reasonable cause to believe that the package contains cigarettes or smokeless tobacco.

''(B) IMPLEMENTATION OF UPDATES.—Commencing on the date that is 30 days after the date of the distribution or availability of any updates or corrections to the list under paragraph (1), all recipients and all common carriers or other persons that deliver cigarettes or smokeless tobacco to consumers shall be subject to subparagraph (A) in regard to such corrections or updates.

''(C) EXEMPTIONS.—Subparagraphs (A) and (B), subsection (b)(2), and any other requirements or restrictions placed directly on common carriers elsewhere in this subsection, shall not apply to a common carrier that is subject to a settlement agreement relating to tobacco product deliveries to consumers. For the purposes of this section, 'settlement agreement' shall be defined to include the Assurance of Discontinuance entered into by the Attorney General of New York and DHL Holdings USA, Inc. and DHL Express (USA), Inc. on or about July 1, 2005, the Assurance of Discontinuance entered into by the Attorney General of New York and United Parcel Service, Inc. on or about October 21, 2005, and the Assurance of Compliance entered into by the Attorney General of New York and Federal Express Corporation and Fed Ex Ground package Systems, Inc. on or about February 3, 2006, so long as each is honored nationwide to block illegal deliveries of cigarettes or smokeless tobacco to consumers, and also includes any other active agreement between a common carrier and the states that operates nationwide to ensure that no deliveries of cigarettes and smokeless tobacco shall be made to consumers for illegally operating Internet or mail-order sellers and that any such deliveries to consumers shall not be made to minors or without payment to the states and localities where the consumers are located of all taxes on the tobacco products.

''(3) SHIPMENTS FROM PERSONS ON LIST.—

''(A) IN GENERAL.—In the event that a common carrier or other delivery service delays or interrupts the delivery of a package it has in its possession because it determines or has reason to believe that the person ordering the delivery is on a list distributed under paragraph (1)—

''(i) the person ordering the delivery shall be obligated to pay—

''(I) the common carrier or other delivery service as if the delivery of the package had been timely completed; and

''(II) if the package is not deliverable, any reasonable additional fee or charge levied by the common carrier or other delivery service to cover its extra costs and inconvenience and to serve as a disincentive against such noncomplying delivery orders; and

''(ii) if the package is determined not to be deliverable, the common carrier or other delivery service shall, in its discretion, either provide the package and its contents to a Federal, State, or local law enforcement agency or destroy the package and its contents.

''(B) RECORDS.—A common carrier or other delivery service shall maintain, for a period of 5 years, any records kept in the ordinary course of business relating to any deliveries interrupted pursuant to this paragraph and provide that information, upon request, to the Attorney General of the United States or to the attorney general or chief law enforcement official or tax administrator of any State, local, or tribal government.

''(C) CONFIDENTIALITY.—Any person receiving records under subparagraph (B) shall use such records solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and the person receiving records under subparagraph (B) shall keep confidential any personal information in such records not otherwise required for such purposes.

''(4) PREEMPTION.—

''(A) IN GENERAL.—No State, local, or tribal government, nor any political authority of 2 or more State, local, or tribal governments, may enact or enforce any law or regulation relating to delivery sales that restricts deliveries of cigarettes or smokeless tobacco to consumers by common carriers or other delivery services on behalf of delivery sellers by—

''(i) requiring that the common carrier or other delivery service verify the age or identity of the consumer accepting the delivery by requiring the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that such person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by either State or local law at the place of delivery;

''(ii) requiring that the common carrier or other delivery service obtain a signature from the consumer accepting the delivery;

''(iii) requiring that the common carrier or other delivery service verify that all applicable taxes have been paid;

''(iv) requiring that packages delivered by the common carrier or other delivery service contain any particular labels, notice, or markings; or

''(v) prohibiting common carriers or other delivery services from making deliveries on the basis of whether the delivery seller is or is not identified on any list of delivery sellers maintained and distributed by any entity other than the Federal Government.

''(B) RELATIONSHIP TO OTHER LAWS.—Except as provided in subparagraph (C), nothing in this paragraph shall be construed to prohibit, expand, restrict, or otherwise amend or modify—

''(i) section 14501(c)(1) or 41713(b)(4) of title 49, United States Code;

''(ii) any other restrictions in Federal law on the ability of State, local, or tribal governments to regulate common carriers; or

''(iii) any provision of State, local, or tribal law regulating common carriers that falls within the provisions of sections 14501(c)(2) or 41713(b)(4)(B) of title 49 of the United States Code.

''(C) STATE LAWS PROHIBITING DELIVERY SALES.—Nothing in the Prevent All Cigarette Trafficking Act of 2008, the amendments made by that Act, or in any other Federal statute shall be construed to preempt, supersede, or otherwise limit or restrict State laws prohibiting the delivery sale, or the shipment or delivery pursuant to a delivery sale, of cigarettes or other tobacco products to individual consumers or personal residences.

''(5) STATE, LOCAL, AND TRIBAL ADDITIONS.—

''(A) IN GENERAL.—Any State, local, or tribal government shall provide the Attorney General of the United States with—

''(i) all known names, addresses, website addresses, and other primary contact information of any delivery seller that offers for sale or makes sales of cigarettes or smokeless tobacco in or into the State, locality, or tribal land but has failed to register with or make reports to the respective tax administrator, as required by this Act, or that has been found in a legal proceeding to have otherwise failed to comply with this Act; and

''(ii) a list of common carriers and other persons who make deliveries of cigarettes or smokeless tobacco in or into the State, locality, or tribal lands.

''(B) UPDATES.—Any government providing a list to the Attorney General of the United States under subparagraph (A) shall also provide updates and corrections every 4 months until such time as such government notifies the Attorney General of the United States in writing that such government no longer desires to submit such information to supplement the list maintained and distributed by the Attorney General of the United States under paragraph (1).

''(C) REMOVAL AFTER WITHDRAWAL.—Upon receiving written notice that a government no longer desires to submit information under subparagraph (A), the Attorney General of the United States shall remove from the list under paragraph (1) any persons that are on the list solely because of such government's prior submissions of its list of noncomplying delivery sellers of cigarettes or smokeless tobacco or its subsequent updates and corrections.

''(6) DEADLINE TO INCORPORATE ADDITIONS.—The Attorney General of the United States shall—

''(A) include any delivery seller identified and submitted by a State, local, or tribal government under paragraph (5) in any list or update that is distributed or made available under paragraph (1) on or after the date that is 30 days after the date on which the information is received by the Attorney General of the United States; and

''(B) distribute any such list or update to any common carrier or other person who makes deliveries of cigarettes or smokeless tobacco that has been identified and submitted by another government, pursuant to paragraph (5).

''(7) NOTICE TO DELIVERY SELLERS.—Not later than 14 days prior to including any delivery seller on the initial list distributed or made available under paragraph (1), or on any subsequent list or update for the first time, the Attorney General of the United States shall make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on such list or update, with that notice citing the relevant provisions of this Act.

''(8) LIMITATIONS.—

''(A) IN GENERAL.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to—

''(i) determine whether any list distributed or made available under paragraph (1) is complete, accurate, or up-to-date;

''(ii) determine whether a person ordering a delivery is in compliance with this Act; or

''(iii) open or inspect, pursuant to this Act, any package being delivered to determine its contents.

''(B) ALTERNATE NAMES.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to make any inquiries or otherwise determine whether a person ordering a delivery is a delivery seller on the list under paragraph (1) who is using a different name or address in order to evade the related delivery restrictions, but shall not knowingly deliver any packages to consumers for any such delivery seller who the common carrier or other delivery service knows is a delivery seller who is on the list under paragraph (1) but is using a different name or address to evade the delivery restrictions of paragraph (2).

''(C) PENALTIES.—Any common carrier or person in the business of delivering packages on behalf of other persons shall not be subject to any penalty under section 14101(a) of title 49, United States Code, or any other provision of law for—

''(i) not making any specific delivery, or any deliveries at all, on behalf of any person on the list under paragraph (1);

''(ii) not, as a matter of regular practice and procedure, making any deliveries, or any deliveries in certain States, of any cigarettes or smokeless tobacco for any person or for any person not in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

''(iii) delaying or not making a delivery for any person because of reasonable efforts to comply with this Act.

''(D) OTHER LIMITS.—Section 2 and subsections (a), (b), (c), and (d) of this section shall not be interpreted to impose any responsibilities, requirements, or liability on common carriers.

''(f) PRESUMPTION.—For purposes of this Act, a delivery sale shall be deemed to have occurred in the State and place where the buyer obtains personal possession of the cigarettes or smokeless tobacco, and a delivery pursuant to a delivery sale is deemed to have been initiated or ordered by the delivery seller.''.

(d) PENALTIES.—The Jenkins Act is amended by striking section 3 and inserting the following:

''SEC. 3. PENALTIES.

''(a) CRIMINAL PENALTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), whoever violates any provision of this Act shall be guilty of a felony and shall be imprisoned not more than 3 years, fined under title 18, United States Code, or both.

''(2) EXCEPTIONS.—

''(A) GOVERNMENTS.—Paragraph (1) shall not apply to a State, local, or tribal government.

''(B) DELIVERY VIOLATIONS.—A common carrier or independent delivery service, or employee of a common carrier or independent delivery service, shall be subject to criminal penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

''(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

''(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

''(b) CIVIL PENALTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (3), whoever violates any provision of this Act shall be subject to a civil penalty in an amount not to exceed—

''(A) in the case of a delivery seller, the greater of—

''(i) $5,000 in the case of the first violation, or $10,000 for any other violation; or

''(ii) for any violation, 2 percent of the gross sales of cigarettes or smokeless tobacco of such person during the 1-year period ending on the date of the violation.

''(B) in the case of a common carrier or other delivery service, $2,500 in the case of a first violation, or $5,000 for any violation within 1 year of a prior violation.

''(2) RELATION TO OTHER PENALTIES.—A civil penalty under paragraph (1) for a violation of this Act shall be imposed in addition to any criminal penalty under subsection (a) and any other damages, equitable relief, or injunctive relief awarded by the court, including the payment of any unpaid taxes to the appropriate Federal, State, local, or tribal governments.

''(3) EXCEPTIONS.—

''(A) DELIVERY VIOLATIONS.—An employee of a common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

''(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

''(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

''(B) OTHER LIMITATIONS.—No common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) if—

''(i) the common carrier or independent delivery service has implemented and enforces effective policies and practices for complying with that section; or

''(ii) an employee of the common carrier or independent delivery service who physically receives and processes orders, picks up packages, processes packages, or makes deliveries, takes actions that are outside the scope of employment of the employee in the course of the violation, or that violate the implemented and enforced policies of the common carrier or independent delivery service described in clause (i).''.

(e) ENFORCEMENT.—The Jenkins Act is amended by striking section 4 and inserting the following:

''SEC. 4. ENFORCEMENT.

''(a) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of this Act and to provide other appropriate injunctive or equitable relief, including money damages, for such violations.

''(b) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States shall administer and enforce the provisions of this Act.

''(c) STATE, LOCAL, AND TRIBAL ENFORCEMENT.—

''(1) IN GENERAL.—

''(A) STANDING.—A State, through its attorney general (or a designee thereof), or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer (or a designee thereof), may bring an action in a United States district court to prevent and restrain violations of this Act by any person (or by any person controlling such person) or to obtain any other appropriate relief from any person (or from any person controlling such person) for violations of this Act, including civil penalties, money damages, and injunctive or other equitable relief.

''(B) SOVEREIGN IMMUNITY.—Nothing in this Act shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under this Act, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

''(2) PROVISION OF INFORMATION.—A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer (or a designee thereof), may provide evidence of a violation of this Act by any person not subject to State, local, or tribal government enforcement actions for violations of this Act to the Attorney General of the United States or a United States attorney, who shall take appropriate actions to enforce the provisions of this Act.

''(3) USE OF PENALTIES COLLECTED.—

''(A) IN GENERAL.—There is established a separate account in the Treasury known as the 'PACT Anti-Trafficking Fund'. Notwithstanding any other provision of law and subject to subparagraph (B), an amount equal to 50 percent of any criminal and civil penalties collected by the United States Government in enforcing the provisions of this Act shall be transferred into the PACT Anti-Trafficking Fund and shall be available to the Attorney General of the United States for purposes of enforcing the provisions of this Act and other laws relating to contraband tobacco products.

''(B) ALLOCATION OF FUNDS.—Of the amount available to the Attorney General under subparagraph (A), not less than 50 percent shall be made available only to the agencies and offices within the Department of Justice that were responsible for the enforcement actions in which the penalties concerned were imposed or for any underlying investigations.

''(4) NONEXCLUSIVITY OF REMEDY.—

''(A) IN GENERAL.—The remedies available under this section and section 3 are in addition to any other remedies available under Federal, State, local, tribal, or other law.

''(B) STATE COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized State official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of State or other law.

''(C) TRIBAL COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized Indian tribal government official to proceed in tribal court, or take other enforcement actions, on the basis of an alleged violation of tribal law.

''(D) LOCAL GOVERNMENT ENFORCEMENT.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized local government official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of local or other law.

''(d) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who holds a permit under section 5712 of the Internal Revenue Code of 1986 (regarding permitting of manufacturers and importers of tobacco products and export warehouse proprietors) may bring an action in a United States district court to prevent and restrain violations of this Act by any person (or by any person controlling such person) other than a State, local, or tribal government.

''(e) NOTICE.—

''(1) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who commences a civil action under subsection (d) shall inform the Attorney General of the United States of the action.

''(2) STATE, LOCAL, AND TRIBAL ACTIONS.—It is the sense of Congress that the attorney general of any State, or chief law enforcement officer of any locality or tribe, that commences a civil action under this section should inform the Attorney General of the United States of the action.

''(f) PUBLIC NOTICE.—

''(1) IN GENERAL.—The Attorney General of the United States shall make available to the public, by posting such information on the Internet and by other appropriate means, information regarding all enforcement actions undertaken by the Attorney General or United States attorneys, or reported to the Attorney General, under this section, including information regarding the resolution of such actions and how the Attorney General and the United States attorney have responded to referrals of evidence of violations pursuant to subsection (c)(2).

''(2) REPORTS TO CONGRESS.—The Attorney General shall submit to Congress each year a report containing the information described in paragraph (1).''.

SEC. 3. TREATMENT OF CIGARETTES AND SMOKELESS TOBACCO AS NONMAILABLE MATTER.

(a) IN GENERAL.—Chapter 83 of title 18, United States Code, is amended by inserting after section 1716D the following:

''§ 1716E. Tobacco products as nonmailable

''(a) PROHIBITION.—All cigarettes (as that term is defined in section 1 of the Act of October 19, 1949, commonly referred to as the Jenkins Act) and smokeless tobacco (as that term is defined in section 1 of the Act of October 19, 1949, commonly referred to as the Jenkins Act) are nonmailable and shall not be deposited in or carried through the mails.

''(b) ORDERS.—

''(1) If the Postal Service has reasonable cause to believe that any person is engaged in the sending of mail matter which is nonmailable under this section, the Postal Service may issue an order which—

''(A) directs any postmaster, to whom any mailing originating with such person or his representative is tendered for transmission through the mails (other than a mailing that consists only of one or more sealed letters), to refuse to accept any such mailing, unless such person or his representative first establishes to the satisfaction of the postmaster that the mailing does not contain any matter which is nonmailable under this section; and

''(B) requires the person or his representative to cease and desist from mailing any mail matter which is nonmailable under this section.

''(2) For the purposes of paragraph (1) reasonable cause includes—

''(A) a statement on a publicly available website, or an advertisement, by any person that such person will mail matter which is nonmailable under this section in return for payment; and

''(B) the placement of the person on the list created under section 2A(e) of the Jenkins Act.

''(3) Whoever fails to comply with an order issued under this subsection shall be liable to the United States for a civil penalty—

''(A) not to exceed $10,000 for each mailing of fewer than 10 pieces;

''(B) not to exceed $50,000 for each mailing of 10 to 50 pieces; and

''(C) not to exceed $100,000 for each mailing of more than 50 pieces.

''(4) An order under this subsection may be enforced in the same manner as an order under section 3005 of title 39.

''(c) EXCEPTIONS.—This section shall not apply to the following:

''(1) CIGARS.—Cigars (as that term is defined in section 5702(a) of the Internal Revenue Code of 1986).

''(2) GEOGRAPHIC EXCEPTION.—Mailings within the State of Alaska or within the State of Hawaii.

''(3) BUSINESS PURPOSES.—Tobacco products mailed only for business purposes between legally operating businesses that have all applicable State and Federal government licenses or permits and are engaged in tobacco product manufacturing, distribution, wholesale, export, import, testing, investigation, or research, or for regulatory purposes between any such businesses and State or Federal Government regulatory agencies, if the Postal Service issues a final rule establishing the standards and requirements that apply to all such mailings and which includes the following:

''(A) The Postal Service shall verify that any person submitting an otherwise nonmailable tobacco product into the mails as authorized by this paragraph is a business or government agency permitted to make such mailings pursuant to this section and the related final rule.

''(B) The Postal Service shall ensure that any recipient of an otherwise nonmailable tobacco product sent through the mails pursuant to this paragraph is a business or government agency that may lawfully receive such product.

''(C) The mailings shall be sent through the Postal Service's systems that provide for the tracking and confirmation of the delivery.

''(D) The identities of the business or government entity submitting the mailing containing otherwise nonmailable tobacco products for delivery and the business or government entity receiving the mailing shall be clearly set forth on the package and such information shall be kept in Postal Service records and made available to the Postal Service, the Attorney General, and to persons eligible to bring enforcement actions pursuant to section 3(d) of the Prevent All Cigarette Trafficking Act of 2008 for a period of at least three years.

''(E) The mailings shall be marked with a Postal Service label or marking that makes it clear to Postal Service employees that it is a permitted mailing of otherwise nonmailable tobacco products that may be delivered only to a permitted government agency or business and may not be delivered to any residence or individual person.

''(F) The mailings shall be delivered only to verified adult employees of the recipient businesses or government agencies who shall be required to sign for the mailing.

''(4) CERTAIN INDIVIDUALS.—Tobacco products mailed by individual adult people for noncommercial, nonbusiness and non-money making purposes, including the return of a damaged or unacceptable tobacco product to its manufacturer, if the Postal Service issues a final rule establishing the standards and requirements that applies to all such mailings and which includes the following:

''(A) The Postal Service shall verify that any person submitting an otherwise nonmailable tobacco product into the mails as authorized by this section is the individual person identified on the return address label of the package and is an adult.

''(B) For mailings to individual persons the Postal Service shall require the person submitting the otherwise nonmailable tobacco product into the mails as authorized by this subsection to affirm that the recipient is an adult.

''(C) The package shall not weigh more than 10 ounces.

''(D) The mailings shall be sent through the Postal Service's systems that provide for the tracking and confirmation of the delivery.

''(E) No package shall be delivered or placed in the possession of any individual person who is not a verified adult. For mailings to individual persons, the Postal Service shall deliver the package only to the verified adult recipient at the recipient address or transfer it for delivery to an Air/Army Postal Office (APO) or Fleet Postal Office (FPO) number designated in the recipient address.

''(F) No person shall initiate more than ten such mailings in any thirty-day period.

''(5) DEFINITION OF ADULT.—For the purposes of paragraphs (3) and (4), the term 'adult' means an individual person of at least the minimum age required for the legal sale or purchase of tobacco products as determined by the applicable law at the place the individual person is located.

''(d) SEIZURE AND FORFEITURE.—Any cigarettes or smokeless tobacco made nonmailable by this subsection that are deposited in the mails shall be subject to seizure and forfeiture, pursuant to the procedures set forth in chapter 46 of this title. Any tobacco products so seized and forfeited shall either be destroyed or retained by Government officials for the detection or prosecution of crimes or related investigations and then destroyed.

''(e) ADDITIONAL PENALTIES.—In addition to any other fines and penalties imposed by this chapter for violations of this section, any person violating this section shall be subject to an additional civil penalty in the amount of 10 times the retail value of the nonmailable cigarettes or smokeless tobacco, including all Federal, State, and local taxes.

''(f) CRIMINAL PENALTY.—Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything that this section declares to be nonmailable matter shall be fined under this title, imprisoned not more than 1 year, or both.

''(g) DEFINITION.—As used in this section, the term 'State' has the meaning given that term in section 1716(k).''.

(b) USE OF PENALTIES.—There is established a separate account in the Treasury of the United States, to be known as the ''PACT Postal Service Fund''. Notwithstanding any other provision of law, an amount equal to 50 percent of any criminal and civil fines or monetary penalties collected by the United States Government in enforcing the provisions of this subsection shall be transferred into the PACT Postal Service Fund and shall be available to the Postmaster General for the purpose of enforcing the provisions of this subsection.

(c) COORDINATION OF EFFORTS.—In the enforcement of this section, the Postal Service shall cooperate and coordinate its efforts with related enforcement activities of any other Federal agency or of any State, local, or tribal government, whenever appropriate.

(d) ACTIONS BY STATE, LOCAL OR TRIBAL GOVERNMENTS RELATING TO CERTAIN TOBACCO PRODUCTS.—

(1) A State, through its attorney general (or a designee thereof), or a local government or Indian tribe that levies an excise tax on tobacco products, through its chief law enforcement officer (or a designee thereof), may in a civil action in a United States district court obtain appropriate relief with respect to a violation of section 1716E of title 18, United States Code. Appropriate relief includes injunctive and equitable relief and damages equal to the amount of unpaid taxes on tobacco products mailed in violation of that section to addressees in that State.

(2) The State (or designee) shall serve prior written notice of any action under paragraph (1) upon the Postal Service and provide the Postal Service with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State (or designee) shall serve such notice immediately upon instituting such action. The Postal Service, in accordance with section 409(g)(2) of title 39, United States Code, shall have the right (A) to intervene in the action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

(3) Nothing contained in this section shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State.

(4) Whenever the Postal Service institutes a civil action for violation of section 1716E of title 18, United States Code, no State may, during the pendency of such action instituted by the Postal Service, subsequently institute a separate civil action for any violation of such section against any defendant named in the Postal Service″s complaint.

(5) Nothing in this section shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under paragraph (1), or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

(6) A State, through its attorney general, or a local government or Indian tribe that levies an excise tax on tobacco products, through its chief law enforcement officer (or a designee thereof), may provide evidence of a violation of paragraph (1) for commercial, business or money-making purposes by any person not subject to State, local, or tribal government enforcement actions for violations of paragraph (1) to the Attorney General of the United States or a United States attorney, who shall take appropriate actions to enforce the provisions of this subsection.

(7) The remedies available under this subsection are in addition to any other remedies available under Federal, State, local, tribal, or other law. Nothing in this subsection shall be construed to expand, restrict, or otherwise modify any right of an authorized State, local, or tribal government official to proceed in a State, tribal, or other appropriate court, or take other enforcement actions, on the basis of an alleged violation of State, local, tribal, or other law.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 83 of title 18 is amended by adding after the item relating to section 1716D the following new item:

''1716E. Tobacco products as nonmailable.''.

SEC. 4. COMPLIANCE WITH MODEL STATUTE OR QUALIFYING STATUTE.

(a) IN GENERAL.—A Tobacco Product Manufacturer or importer may not sell in, deliver to, or place for delivery sale, or cause to be sold in, delivered to, or placed for delivery sale in a State that is a party to the Master Settlement Agreement, any cigarette manufactured by a Tobacco Product Manufacturer that is not in full compliance with the terms of the Model Statute or Qualifying Statute enacted by such State requiring funds to be placed into a qualified escrow account under specified conditions, or any regulations promulgated pursuant to such statute.

(b) JURISDICTION TO PREVENT AND RESTRAIN VIOLATIONS.—

(1) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of subsection (a) in accordance with this subsection.

(2) INITIATION OF ACTION.—A State, through its attorney general, may bring an action in the United States district courts to prevent and restrain violations of subsection (a) by any person (or by any person controlling such person).

(3) ATTORNEY FEES.—In any action under paragraph (2), a State, through its attorney general, shall be entitled to reasonable attorney fees from a person found to have willfully and knowingly violated subsection (a).

(4) NONEXCLUSIVITY OF REMEDIES.—The remedy available under paragraph (2) is in addition to any other remedies available under Federal, State, or other law. No provision of this Act or any other Federal law shall be held or construed to prohibit or preempt the Master Settlement Agreement, the Model Statute (as defined in the Master Settlement Agreement), any legislation amending or complementary to the Model Statute in effect as of June 1, 2006, or any legislation substantially similar to such existing, amending, or complementary legislation hereinafter enacted.

(5) OTHER ENFORCEMENT ACTIONS.—Nothing in this subsection shall be construed to prohibit an authorized State official from proceeding in State court or taking other enforcement actions on the basis of an alleged violation of State or other law.

(6) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States may administer and enforce subsection (a).

(c) DEFINITIONS.—In this section the following definitions apply:

(1) DELIVERY SALE.—The term ''delivery sale'' means any sale of cigarettes or smokeless tobacco to a consumer if—

(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

(B) the cigarettes or smokeless tobacco are delivered to the buyer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

(2) IMPORTER.—The term ''importer'' means each of the following:

(A) SHIPPING OR CONSIGNING.—Any person in the United States to whom nontaxpaid tobacco products manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned.

(B) MANUFACTURING WAREHOUSES.—Any person who removes cigars or cigarettes for sale or consumption in the United States from a customs-bonded manufacturing warehouse.

(C) UNLAWFUL IMPORTING.—Any person who smuggles or otherwise unlawfully brings tobacco products into the United States.

(3) MASTER SETTLEMENT AGREEMENT.—The term ''Master Settlement Agreement'' means the agreement executed November 23, 1998, between the attorneys general of 46 States, the District of Columbia, the Commonwealth of Puerto Rico, and 4 territories of the United States and certain tobacco manufacturers.

(4) MODEL STATUTE; QUALIFYING STATUTE.—The terms ''Model Statute'' and ''Qualifying Statute'' means a statute as defined in section IX(d)(2)(e) of the Master Settlement Agreement.

(5) TOBACCO PRODUCT MANUFACTURER.—The term ''Tobacco Product Manufacturer'' has the meaning given that term in section II(uu) of the Master Settlement Agreement.

SEC. 5. INSPECTION BY BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES OF RECORDS OF CERTAIN CIGARETTE AND SMOKELESS TOBACCO SELLERS; CIVIL PENALTY.

Section 2343(c) of title 18, United States Code, is amended to read as follows:

''(c)(1) Any officer of the Bureau of Alcohol, Tobacco, Firearms, and Explosives may, during normal business hours, enter the premises of any person described in subsection (a) or (b) for the purposes of inspecting—

''(A) any records or information required to be maintained by such person under the provisions of law referred to in this chapter; or

''(B) any cigarettes or smokeless tobacco kept or stored by such person at such premises.

''(2) The district courts of the United States shall have the authority in a civil action under this subsection to compel inspections authorized by paragraph (1).''

''(3) Whoever violates paragraph (1), or an order issued under paragraph (2), shall be subject to a civil penalty in an amount not to exceed $10,000 for each violation.''.

SEC. 6. EXCLUSIONS REGARDING INDIAN TRIBES AND TRIBAL MATTERS.

(a) IN GENERAL.—Nothing in this Act or the amendments made by this Act is intended nor shall be construed to affect, amend, or modify—

(1) any agreements, compacts, or other intergovernmental arrangements between any State or local government and any government of an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) relating to the collection of taxes on cigarettes or smokeless tobacco sold in Indian country;

(2) any State laws that authorize or otherwise pertain to any such intergovernmental arrangements or create special rules or procedures for the collection of State, local, or tribal taxes on cigarettes or smokeless tobacco sold in Indian country;

(3) any limitations under Federal or State law, including Federal common law and treaties, on State, local, and tribal tax and regulatory authority with respect to the sale, use, or distribution of cigarettes and smokeless tobacco by or to Indian tribes, tribal members, tribal enterprises, or in Indian country;

(4) any Federal law, including Federal common law and treaties, regarding State jurisdiction, or lack thereof, over any tribe, tribal members, tribal enterprises, tribal reservations, or other lands held by the United States in trust for one or more Indian tribes; and

(5) any State or local government authority to bring enforcement actions against persons located in Indian country.

(b) COORDINATION OF LAW ENFORCEMENT.—Nothing in this Act or the amendments made by this Act shall be construed to inhibit or otherwise affect any coordinated law enforcement effort by 1 or more States or other jurisdictions, including Indian tribes, through interstate compact or otherwise, that—

(1) provides for the administration of tobacco product laws or laws pertaining to interstate sales or other sales of tobacco products;

(2) provides for the seizure of tobacco products or other property related to a violation of such laws; or

(3) establishes cooperative programs for the administration of such laws.

(c) TREATMENT OF STATE AND LOCAL GOVERNMENTS.—Nothing in this Act or the amendments made by this Act is intended, and shall not be construed to, authorize, deputize, or commission States or local governments as instrumentalities of the United States.

(d) ENFORCEMENT WITHIN INDIAN COUNTRY.—Nothing in this Act or the amendments made by this Act is intended to prohibit, limit, or restrict enforcement by the Attorney General of the United States of the provisions herein within Indian country.

(e) AMBIGUITY.—Any ambiguity between the language of this section or its application and any other provision of this Act shall be resolved in favor of this section.

SEC. 7. SENSE OF CONGRESS CONCERNING THE PRECEDENTIAL EFFECT OF THIS ACT.

It is the sense of Congress that unique harms are associated with online cigarette sales, including problems with verifying the ages of consumers in the digital market and the long-term health problems associated with the use of certain tobacco products. This Act was introduced recognizing the longstanding interest of Congress in urging compliance with States' laws regulating remote sales of certain tobacco products to citizens of those States, including the passage of the Jenkins Act over 50 years ago, which established reporting requirements for out-of-State companies that sell certain tobacco products to citizens of the taxing States, and which gave authority to the Department of Justice and the Bureau of Alcohol, Tobacco and Firearms to enforce the Jenkins Act. In light of the unique harms and circumstances surrounding the online sale of certain tobacco products, this Act is intended to help collect cigarette excise taxes, to stop tobacco sales to underage youth, and to help the States enforce their laws that target the online sales of certain tobacco products only. This Act is in no way meant to create a precedent regarding the collection of State sales or use taxes by, or the validity of efforts to impose other types of taxes on, out-of-State entities that do not have a physical presence within the taxing State.

SEC. 8. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) BATFE AUTHORITY.—Section 5 shall take effect on the date of enactment of this Act.

SEC. 9. SEVERABILITY.

If any provision of this, or an amendment made by this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of it to any other person or circumstance shall not be affected thereby.

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

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, the Prevent All Cigarette Trafficking Act, or PACT Act, introduced by the gentleman from New York (Mr. WEINER), strengthens our law enforcement capabilities against the illegal smuggling of tobacco products.

Every year, billions of cigarettes are illegally smuggled across State lines. This fraudulent activity not only harms the public health but deprives State and local governments of sorely needed tax revenues.

In fact, tax evasion is a chief motivator for cigarette smuggling. Buying cigarettes in a State where the cigarette tax is low and selling them in a State where the cigarette tax is high allows the trafficker to sell the cigarettes at a discount and still turn an illicit profit.

States lose $1 billion in uncollected taxes each year as a result of illegal cigarette smuggling. The illicit profit also helps finance other criminal activity which creates a revenue stream for organized crime.

Because of the scope and interstate nature of this activity, States cannot adequately address it on their own. It has long been recognized as a Federal concern.

With the existing Federal statutes, the Jenkins Act, which requires reporting interstate cigarette sales to tax officials in the buyer's State, and the Contraband Cigarette Trafficking Act, which prohibits knowingly dealing in contraband cigarettes or smokeless tobacco, those two statutes are simply not up to the task in the Internet age.

The Internet, in particular, makes it possible for today's tobacco smugglers to be even more mobile and invisible and to operate with near impunity. Even when the smugglers can be identified and pursued, they can simply shut down operations and quickly reappear under a new name and Web site.

The PACT Act addresses the shortcomings in the current law by targeting the delivery systems for illegal Internet tobacco sales: the postal system and commercial delivery services.

With limited exceptions, sending tobacco products through the United States mail will be criminally prohibited. And vendors using commercial delivery services for retail sales will be required to notify the tax authorities in the receiving State, conspicuously label all tobacco products, verify the purchaser's age, and keep careful records of all sales.

The bill raises cigarette trafficking from a misdemeanor to a felony. And it authorizes the Bureau of Alcohol, Tobacco, Firearms and Explosives to inspect the premises and files of sellers of significant quantities of cigarettes or smokeless tobacco.

□ 1800

H.R. 4081 enjoys support from a diverse spectrum of entities, including the National Association of Convenience Stores, Altria—the parent company of Phillip Morris—the Campaign for Tobacco-Free Kids, the American Wholesale Marketers Association, and the National Association of Attorneys General, among others.

I commend my colleague, Mr. WEINER, for his leadership on this important legislation. I also commend the chairman of the Judiciary Committee, Mr. CONYERS, and the ranking member, Mr. SMITH, for their leadership in making this a bipartisan effort.

I also want to thank the other committees whose jurisdiction has touched on this bill for working with us to bring it to the floor today.

I urge my colleagues to support this important legislation.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 8, 2008.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS: I write to you regarding H.R. 4081, the ''Prevent All Cigarette Trafficking Act of 2008''.

H.R. 4081 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forego a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 4081.

Further, the Committee on Transportation and Infrastructure reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Transportation and Infrastructure for the appointment of conferees on H.R. 4081 or similar legislation.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Congressional Record during consideration of the measure on the House Floor.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,
Washington, DC, September 9, 2008.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 4081, the Prevent All Cigarette Trafficking Act of 2008.

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the Congressional Record in the debate on the bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON NATURAL RESOURCES,
Washington, DC, September 9, 2008.

Hon. JOHN CONYERS,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to work with you on H.R. 4081, the Prevent All Cigarette Trafficking Act, concerning provisions on tribal jurisdiction and enforcement which are within the jurisdiction of the Committee on Natural Resources.

Because of the continued cooperation and consideration that you have afforded me and my staff in developing these provisions, I will not seek a sequential referral of H.R. 4081. Of course, this waiver is not intended to prejudice any future jurisdictional claims over these provisions or similar language. I also reserve the right to seek to have conferees named from the Committee on Natural Resources on these provisions, and request your support if such a request is made.

Please place this letter into the Congressional Record during consideration of H.R. 4081 on the House floor.

With warm regards, I am

Sincerely,

NICK J. RAHALL, II,
Chairman, Committee on Natural Resources.

HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,
Washington, DC, September 9, 2008.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 4081, the Prevent All Cigarette Trafficking Act of 2008.

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the CONGRESSIONAL RECORD in the debate on the bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS Jr.,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 9, 2008.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS: I write regarding H.R. 4081, the ''Prevent All Cigarette Trafficking Act of 2008'', or the ''PACT'' Act.

H.R. 4081 amends a law commonly referred to as the Jenkins Act, which primarily concerns the collection by the States of taxes on cigarettes. The bill, however, would amend the Jenkins Act to prohibit ''delivery sales'' of cigarettes and smokeless tobacco to minors. (As you know, these are sales in which the seller is not in the physical presence of the purchaser but rather communicates with the purchaser through electronic means, through the mails, or through other methods.) The bill would further preempt certain State laws that relate to such sales to minors. The regulation of sales of tobacco products to minors is a matter within the jurisdiction of the Committee on Energy and Commerce.

Another jurisdictional concern is that the bill regulates the labeling of cigarettes and

smokeless tobacco. H.R. 4081 would require specific wording on the shipping packages of such products.

I support H.R. 4081 and do not intend to seek a sequential referral of the bill. My understanding is that you agree with me that my decision to forgo a sequential referral does not in any way prejudice the Committee with respect to any of its jurisdictional prerogatives, including the appointment of conferees, on this bill or similar legislation in the future.

I request that you send a letter to me confirming my understanding regarding the bill, and that you include our letters on this matter in the CONGRESSIONAL RECORD during consideration of the bill on the House floor. I appreciate your cooperation.

Sincerely,

JOHN D. DINGELL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 9, 2008.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 4081, the Prevent All Cigarette Trafficking Act of 2008.

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the Congressional Record in the debate on the bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, September 9, 2008.

Hon. JOHN CONYERS,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN CONYERS: I am writing about H.R. 4081, the Prevent All Cigarette Trafficking Act of 2007. The Judiciary Committee approved this measure, as amended, on July 16, 2008.

I appreciate your effort to consult with the Committee on Oversight and Government Reform regarding those provisions of H.R. 4081 that fall within the Oversight Committee's jurisdiction. Thank you for your willingness to modify certain provisions related to the treatment of cigarettes and smokeless tobacco as nonmailable matter in response to my concerns. Although I still have concerns about provisions in this legislation, I look forward to working with you to resolve these issues.

In the interest of expediting consideration of H.R. 4081, the Oversight Committee will not separately consider relevant provisions of this bill. I would, however, request your support for the appointment of conferees from the Oversight Committee should H.R. 4081 or a similar Senate bill be considered in conference with the Senate. Moreover, this letter should not be construed as a waiver of the Oversight Committee's legislative jurisdiction over subjects addressed in H.R. 4081 that fall within the jurisdiction of the Oversight Committee.

Please include our exchange of letters on this matter in the Congressional Record during consideration of this legislation on the House floor.

Again, I appreciate your willingness to consult the Committee on these matters.

Sincerely,

HENRY A. WAXMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 9, 2008.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your committee's jurisdictional interest in H.R. 4081, the Prevent All Cigarette Trafficking Act of 2008.

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the Congressional Record in the debate on the bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

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

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

Mr. Speaker, I am an original cosponsor of H.R. 4081, the Prevent All Cigarette Trafficking (PACT) Act. And I want to thank Congressman WEINER from New York for working hard to bring this legislation to the floor today.

This bipartisan bill will help combat cigarette trafficking, which is a growing problem in America. Combating cigarette trafficking is an issue both Congress and the manufacturers want to address together.

Taxes on cigarettes vary greatly from State to State. This difference in tax rates creates a market for criminals and organized crime syndicates to purchase cigarettes from one State and smuggle them to another State to resell them below market value and without paying local taxes.

The PACT Act closes loopholes in current tobacco trafficking laws and provides law enforcement officials with ways to combat the deceptive methods being used by cigarette traffickers to distribute their products. First, the legislation strengthens the Jenkins Act, a long-standing law that requires vendors who sell cigarettes to out-of-State buyers to report these sales to the buyer's State tobacco tax administrator. The PACT Act makes it a Federal felony for anyone to sell cigarettes by telephone, the mail, or the Internet and not comply with all relevant State tax laws.

The PACT Act requires Internet cigarette sellers to verify the purchaser's age and identity through easily accessible databases. This measure protects children and ensures that they cannot anonymously purchase cigarettes from the Internet.

The PACT Act also empowers the Attorney General to compile a list of delivery sellers who fail to comply with State tax laws. Any seller who lands on that list will be prohibited from using the U.S. Postal Service or common carriers like FedEx or DHL to deliver their products.

The PACT Act creates reasonable procedures to ensure that the Attorney General's list of noncompliant tobacco delivery sellers is both accurate and complete.

In summary, Mr. Speaker, the PACT Act prevents the loss of tax revenue, combats cigarette smuggling, and limits children's access to cigarettes; all worthy goals.

I urge my colleagues to support this bill.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. WEINER), who is a distinguished member of the Judiciary Committee and sponsor of the legislation.

Mr. WEINER. I thank the chairman of the subcommittee and the ranking member of the full committee for not only his sponsorship of the legislation, but the great work of him and his staff to try to bring this to the floor. It's kind of a complicated issue.

You know, we accept it as an article of faith that cigarette smoking is down in this country. We believe that because, as you look at the taxes paid in the 50 States and the various cities, there has been a decline. But a lot of information really leads us to believe that that might not be true at all, that all we're really seeing a reduction of is a reduction of the amount of taxes that are getting paid to the various States. And that is because, as both Mr. SMITH and Mr. SCOTT have pointed out, more and more States are levying more and more State taxes on cigarettes. It's almost an easy thing to do. You know, some have commented that State governments are addicted to tobacco taxes. It has gotten to be so much that in New York City, for example, if you are a smoker—which I'm not—you pay an additional $4.25 per pack compared to South Carolina, where you pay an additional 7 cents a pack in State taxes.

Well, what I just described is, in a nutshell, the incentive for smugglers. They can buy cigarettes at a very low tax rate, sell them in a higher tax rate locality and be able to make money on the vig. Well, you might say to yourself, isn't that against the law? It is. It is against the law for anyone to buy cigarettes and not pay the tax of their locality. But there is no way for authorities to know that for sure. But we have some signs and some statistics that show that it's happening in record numbers.

I will give you an example. In just my State of New York, 280 million packs of cigarettes were sold on Native American reservations. In 2006, it's 360 million. If you take the number of residents on Native American reservations and do the math and assume that those cigarettes are being smoked just on the reservation, that would mean 44 cigarettes an hour for every Native American in the country over the age of 18, or basically a cigarette a minute. So that's not happening.

What is really happening is that more and more people are buying cigarettes on the Internet, they're not reporting that they're buying them on these Web sites, which are by and large on Native American lands, and they're not paying taxes on it. And that's what's happened. Now, not only is this a great source of great revenue loss to States—my home State of New York estimates anywhere from hundreds of millions to as much as a billion dollars of lost revenue—but according to the Government Accountability Office, it might be used, as so many other smuggling operations are, for things more than just illicit activity, but terrorism.

It was found in a GAO investigation that there was a group that was buying cigarettes in North Carolina, smuggling them to Michigan, taking the money that they were making by selling them on the streets of Michigan, and then using the money to fund Hezbollah operations. That was just one investigation, one prosecution.

Now, as I've said earlier, it's already against the law to do many of these things, so why aren't there more prosecutions? Well, right now violations of the Jenkins Act, which is the prosecution that this would be under that say this type of activity is illegal, are misdemeanors. So even if you are a U.S. attorney and you say I really want to crack down on this and you wait outside and you try to do a sting, really the most you can hope for is a misdemeanor prosecution. One of the things this legislation does is makes it a felony.

A second thing that it does is it closes perhaps the largest truck-size loophole in the law, it allows people to buy cigarettes on the Internet. Now, because of the actions of New York, DHL, FedEx, UPS, they all say we no longer are going to allow anyone to transport cigarettes.

The only entity that still transports cigarettes is the United States Postal Service. They have come to Congress and said, if you want to ban us transporting tobacco, you've got to tell us by law. We can't do it. Effectively, that's what this legislation does.

Now, just to make it very clear, if you want to purchase cigarettes online, what is supposed to happen is the Internet carrier is supposed to then take a document, mail it to your home State and say that Anthony Weiner purchased X number of cases, then you're supposed to pay taxes on it. That never happens. States that have done stings know it has never happened and the ATF says it doesn't happen. Now that is going to be required, otherwise, you're not going to be able to do any transporting of tobacco at all. And finally, it requires the same type of age verification that we have for other things on the Internet.

This is a commonsense thing that I think is going to mean that we can really make sure States get the revenues, we can make sure that the black market in tobacco is eliminated, and frankly, we can make sure that the ATF has the tools they need to crack down on this.

This legislation is a long time in coming. It would not have been possible, as I said earlier, if it were not for the help of the ranking minority member of the full committee, the Chair of the subcommittee, the members and the staff who have done a remarkable job; on the full committee side, Perry Apelbaum and Ted Kalo, on the minority side, Sean McLaughlin, the chief of staff and general counsel on the minority side; Ameer Gopalani, who is the counsel on the subcommittee, Jesselyn McCurdy, who is another counsel. And on the minority side, Kimani Little and Caroline Lynch. Also, towards the end, to help us deal with many of the jurisdictional matters that we had, Congressman WAXMAN and the ranking member of the Government Oversight and Reform Committee, his staff director, Phil Barnett, Naomi Seiler, the counsel, Robin Appleberry, folks who worked very late into the night last night to help to make this happen. Congressman MCHUGH's staff, who has been very active on this, Rob Taub, his Chief of staff; Joe Dunn, Jonathan Schleifer and Dori Friedberg of my staff. These are all people who helped make this happen.

Now, I would say, before I yield back, as with so many things, this is a relatively easy fix that we were able to work in a bipartisan fashion to make happen. None of this is worth anything unless the folks on the other side of this building finally start to legislate, finally start to take some of these things that passed by overwhelming margins, things like the COPS bill we passed in our committee, and others, that we've managed to cross the partisan divide and do good government. And I would hope that my colleagues in the Senate at some point awaken and decide to start passing some of this legislation. If they do that, it would be greatly appreciated.

I also want to point out that, to all of the groups that have been so active in trying to make this a reality, and it's a disparate bunch, Altria—I guess previously Phillip Morris—Sara and John—I can't read their last name—the Campaign for Tobacco-Free Kids, National Association of Attorneys General, the American Wholesale Marketers, New York State Association of Wholesale Marketers—Artie Katz with them, these are disparate groups who don't agree on very much. And we have worked out a bill that I think passes not only bipartisan muster, but has enlightened elements of the industry involved.

And I should make one final point. There is a good deal of byplay going on in the 50 States about the rights of Native Americans dealing with their State governments. We say very clearly in this legislation, we are not seeking to litigate that at this time. There are two contradictory Supreme Court decisions that are out there, there are many different interpretations. We make it very clear here that what we're seeking to do is to empower the Federal authorities to operate where they're allowed to, the State authorities only to operate where they are. But I think that because of the support of the National Association of Attorneys General, folks like my State and the active advocacy of organizations and journalists like those at the New York Post, who have been beating the drum on this, we are going to finally get this done.

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

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman from New York for his hard work on this bill. He mentioned many others that have been working on this. He has worked so well; he had broad bipartisan support. So I hope it will be the pleasure of the House to pass the bill.

Mr. WAXMAN. Mr. Speaker, I rise in support of H.R. 4081 because of the important difference it will make in reducing young people's access to cigarettes.

The tobacco industry has long targeted the nation's youth. As this Committee learned in 1998 when I released documents from inside the board room of RJR, tobacco executives had an explicit strategy of hooking our children to create lifelong, addicted consumers.

Recently, states have begun to fight back with stronger laws to prevent teenagers from buying tobacco products. These laws require photo IDs to be shown at the point of purchase.

But these efforts haven't been successful in addressing the traffic of cigarettes through our newest, and least controlled, market: the internet.

Today, a young person anywhere in the country can go online and find a site that sells cigarettes. He or she can find a site that doesn't require any kind of meaningful age verification. And then the teenager can order cigarettes and have them delivered right to his or her home.

Despite the efforts of public health advocates, the flow of cigarettes to minors—and the evasion of state and local taxes—continues.

The majority of online cigarettes are shipped through the U.S. mails. So I am particularly supportive of this bill's inclusion of a provision to make cigarettes, smokeless tobacco, and roll-your-own tobacco nonmailable products.

The bill has incorporated important provisions from H.R. 2932, a bill on tobacco nonmailability introduced by Congressman MCHUGH.

I thank Congressman MCHUGH and Congressman WEINER for their leadership on this

important issue, and look forward to ongoing collaboration in reducing smoking among America's youth.

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

The SPEAKER pro tempore (Mr. CUELLAR). The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 4081, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 1307, by the yeas and nays;

H.R. 6168, by the yeas and nays;

H.R. 6630, by the yeas and nays.

Remaining postponed votes will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

COMMENDING BHUTAN'S PARTICIPATION IN THE SMITHSONIAN FOLKLIFE FESTIVAL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1307, as amended, 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 Washington (Mr. BAIRD) that the House suspend the rules and agree to the resolution, H. Res. 1307, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 15, not voting 23, as follows:

[Roll No. 573]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
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
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson
Castle
Castor
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
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
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
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
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
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
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—15

Barton (TX)
Blackburn
Burton (IN)
Carter
Culberson
Doolittle
Goode
Johnson, Sam
Kingston
Lucas
Miller (FL)
Neugebauer
Poe
Sullivan
Tancredo

NOT VOTING—23

Boucher
Carnahan
Cazayoux
Ellison
Engel
Hodes
Hulshof
Kagen
Lee
Levin
McCarthy (NY)
McCrery
McNulty
Meeks (NY)
Melancon
Miller, George
Olver
Peterson (MN)
Pitts
Reynolds
Sensenbrenner
Smith (WA)
Towns

□ 1838

Messrs. LUCAS and TANCREDO changed their vote from ''yea'' to ''nay.''

Messrs. BILBRAY and FLAKE changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LANCE CORPORAL DREW W. WEAVER POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6168, 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 Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6168.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 30, as follows:

[Roll No. 574]

YEAS—403

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
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)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
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
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
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
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)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
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 (PA)
Petri
Pickering
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
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
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
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—30

Andrews
Boucher
Carnahan
Cazayoux
Cole (OK)
Delahunt
Ellison
Engel
Frank (MA)
Gordon
Grijalva
Hodes
Hulshof
Kagen
Lee
Levin
Lewis (CA)
McCarthy (NY)
McCrery
McNulty
Meeks (NY)
Melancon
Peterson (MN)
Pitts
Sensenbrenner
Smith (WA)
Stark
Sutton
Towns
Whitfield (KY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1845

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.

BARRING ACCESS OF LONG-HAUL MEXICAN TRUCKS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6630, 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 Oregon (Mr. DEFAZIO) that the House suspend the rules and pass the bill, H.R. 6630, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 18, not voting 20, as follows:

[Roll No. 575]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
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
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
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
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (PA)
Petri
Pickering
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
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
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)
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—18

Bilbray
Brady (TX)
Campbell (CA)
Cantor
Conaway
Cuellar
Davis, Tom
Flake
Gonzalez
Hensarling
Issa
Lungren, Daniel E.
Neugebauer
Ortiz
Pence
Tancredo
Thornberry
Weller

NOT VOTING—20

Andrews
Boucher
Carnahan
Cazayoux
Ellison
Engel
Gordon
Hodes
Hulshof
Lee
Levin
McCrery
McNulty
Meeks (NY)
Melancon
Peterson (MN)
Pitts
Sensenbrenner
Smith (WA)
Towns

□ 1854

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. LEE. Mr. Speaker, due to personal matters, today I missed rollcall vote No. 570 on final passage of H. Con. Res. 344, rollcall vote No. 571 on final passage of H. Res. 937, rollcall vote No. 572 on final passage of H. Res. 1069, rollcall No. 573 on final passage of H. Res. 1307, rollcall vote No. 574 on final passage of H.R. 6168, and rollcall vote No. 575 on final passage of H.R. 6630, Had I been present, I would have voted "yea" on each of these rollcall votes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 8, 2008, at 3:22 p.m. and said to contain a message from the President whereby he transmits a determination concerning Presidential Declaration 2008–19 and the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF THE RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–145)

The SPEAKER pro tempore 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:

On May 13, 2008, I transmitted a message to the Congress transmitting the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy (the "proposed Agreement"), pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the "Act").

In view of recent actions by the Government of the Russian Federation incompatible with peaceful relations with its sovereign and democratic neighbor Georgia, I have determined that the determination regarding the proposed Agreement in Presidential Determination 2008–19 is no longer effective. Accordingly, a statutory prerequisite for the proposed Agreement to become effective, as required by section 123 b. of the Act, is no longer satisfied. If circumstances should permit future reconsideration of the proposed Agreement, a new determination will be made and the proposed Agreement will be submitted for congressional review pursuant to section 123 of the Act.

GEORGE W. BUSH.
THE WHITE HOUSE, *September 8, 2008.*

IN MEMORY OF REPRESENTATIVE STEPHANIE TUBBS JONES

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

Ms. WASSERMAN SCHULTZ. Mr. Speaker, how can words adequately describe someone who is larger than life? Stephanie Tubbs Jones was a changemaker and a risk-taker. As a woman, she helped blaze a trail for generations to follow, first in her role as a prosecutor, then a judge, then as Ohio's first African American female Member of Congress.

To me personally, Stephanie was a mentor and a role model. Someone who didn't hesitate to pull me aside when I first came to Washington and give me advice, from my wardrobe to my hair, Stephanie kept it real, because that is exactly what she was in every sense of the word.

Above all else, though, Stephanie was my friend, and one of my first friends here in Washington. Her room-filling energy, her passion, her dedication, her voice for the downtrodden, all of these will be missed by the people of Ohio. Her intelligence, her expertise, her counsel will be missed by all of us here in this Chamber.

And me? Well, Mr. Speaker, I will miss my friend.

TAXES DRIVING INVESTMENT IN OIL AND GAS EXPLORATION OVERSEAS

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

Mr. SHIMKUS. Mr. Speaker, I got a magazine from a good friend, a former colleague of ours, Chris John, who is now the president of the Louisiana Mid-Continent Oil and Gas Association. All of our colleagues got this magazine. I want to quote from his introduction in this magazine:

"The path of the Washington Democrats, with a few notable exceptions, is to repeal tax incentives and possibly levy other taxes on the industry, with the money going to the development of alternative fuels. This will do nothing to lower gasoline prices or increase crude oil supplies. In fact, enactment of such a plan would discourage new investment in exploration and production in the United States and send those dollars overseas."

Now, Chris is a good friend and a former colleague, one that we all trust and appreciate his service. He is right on this issue. We should not drive our investment in oil and gas exploration overseas by burdening them with new taxes.

□ 1900

HONORING LAUREN ARANA, NINTH GRADE STUDENT, HOOVER HIGH SCHOOL (GLENDALE)

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

Mr. SCHIFF. Mr. Speaker, I rise today with great appreciation and admiration for Hoover High School student Lauren Arana, who saved her friend's life earlier this year. I am truly proud to have Lauren, who is now a 10th grade student from Glendale, as a constituent of mine.

On May 14, Lauren received a text message from a friend of hers in Nebraska who said that she was going to commit suicide. Lauren did not hesitate for a second in responding to this call for help. She immediately took the initiative to try and contact her friend's mother, and when she was unsuccessful, she contacted her friend's school in Sioux City, Nebraska.

Upon receiving Lauren's call, an assistant principal stepped into action

and went to the troubled student's home, where he found her with a knife to her neck and having already consumed antifreeze. Thankfully, due to Lauren's swift actions, the assistant principal was able to intervene in time to save her friend's life. This is a remarkable story, and demonstrates Lauren's extraordinary character.

Youth suicide is a tragic problem plaguing our Nation. It is the third leading cause of death for 15-to 24-year-olds and the sixth leading cause for 5-to 14-year-olds. Lauren's heroic intervention is a perfect example of how anyone should react to such a call for help. We should all learn from this story which, thankfully, avoided a tragic ending.

OLYMPIC CHAMPION JENN STUCZYNSKI

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

Mr. HIGGINS. Mr. Speaker, I rise today to congratulate Fredonia, New York's own Olympic champion, Jenn Stuczynski. On Monday, August 19, Jenn won the silver medal in the pole vault in the 2008 Beijing Olympics. She admirably represented Western New York, and we are proud to call her one of our own.

Born and raised in Fredonia, New York, Jenn's heart has never left her hometown. Her love for sports began while she was a student at Fredonia High School. Although she became a dedicated athlete at an early age, Jenn did not take up pole vaulting until her senior year of college. Four years of tireless practice, patience, and persistence later, Jenn made it to the Olympics, and she was not about to leave empty handed. Jenn's story of winning the silver medal is one that can inspire all of us to ask more of ourselves and to reach higher than many, maybe even ourselves, thought possible.

Jenn's hard work, dedication, and spirit embody the best of Western New York. She is an inspiration to athletes and to all who witness her commitment and strength of character. Jenn's community in Fredonia knows her as a hometown girl who will not forget her roots, no matter what heights her gifts and hard work take her. Her masterful grace as a champion pole vaulter is also matched only by her confident yet modest nature. Unlike too many star athletes, Jenn understands the importance of character, community, and family.

Jenn's values were instilled by her loving family and community. I commend the Chautauqua County for rallying around their Olympic daughter and her family with support and pride. When the community raised the money needed for Jenn's parents to watch their daughter win the Olympic silver medal, we witnessed a tremendous spirit of devotion and community pride. The communities of Fredonia and Dunkirk threw a fund raising drive to get Jenn's parents to Beijing, and held a rally to send her off to the Olympics. The effort of this devoted community are yet another reason why I am proud to represent Western New York.

I applaud her parents, Mark and Sue Stuczynski, and wish them the best as they share this achievement with their daughter. They should be proud of having raised one of Western New York's greatest ambassadors.

Mr. Speaker, I congratulate Jenn, her parents, her family, and Jenn's hometown and her community of Fredonia as they celebrate this wonderful accomplishment.

ENERGY POLICY

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

Mr. KUCINICH. Mr. Speaker, my fellow colleagues, sometime in the next week the House is going to be asked to make some decisions on energy policy. But I think we need to reflect on the last few years, and that is, the United States went into Iraq for one reason and one reason only, oil. And when we did that, the price of oil didn't go down, it went up.

That the oil companies are running our energy policy is not a secret in this country. They have kept oil off the market while they jacked up the price. They have helped to restrain the supply while the price has skyrocketed and the American families paid for that. So to give the oil companies more drilling rights is simply a guarantee that we are going to pay more for oil, not less. Wake up, America.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MCNERNEY). 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.

THE LAST DOUGHBOY—THE LONE SURVIVOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, it was 90 years ago this November that World War I was over; the 11th month, 11th day, 11th hour, it ended.

Frank Buckles was in that war and is the last of his generation. Of the 4.7 million Americans that were mobilized during the First World War, Frank Buckles is the very last doughboy.

His remarkable life began in Bethany, Missouri, where he was born in 1901, during the administration of President McKinley. At the tender age of 16, Buckles lied his way into the United States Army when he enlisted to fight in the First World War. He was rejected by several recruiters, but he was not deterred until he finally found a recruiter that would take him. He joined the United States Army, and he drove an ambulance in Europe during World War I.

Mr. Buckles served in the First World War, and was held then as a prisoner of war by the Japanese for 3 years during World War II.

At the incredible age of 107, Frank Buckles has lived through 46 percent of our Nation's history. Today, he resides on the family farm he purchased near Charlestown, West Virginia, purchased after the first war.

Mr. Buckles is one of the forgotten veterans of a forgotten war. He is the lone survivor of World War I.

During World War I, nearly 116,000 United States warriors gave their lives for this country. 4.7 million served, and they changed the tide of that stalemate war and ensured victory for the Allies. When the doughboys landed in France, our allies were impressed with their fighting spirit, and their tenacity stunned our enemies. When they returned to the United States, there were no parades or major memorials established in honor of them. They returned to the Roaring '20s, and America didn't want to talk about the war because America had decided to move on. Then the depressions of the 1930's hit, and the service of the veterans became a distant memory. Then World War II came, and America never got around to honoring the World War I vets.

Today, we have three memorials to our major wars on modern history on the National Mall. They were built in order: Vietnam Memorial, then the Korean Memorial, and then the World War II Memorial. They were built in reverse order. But there is no national memorial, Mr. Speaker, for the World War I veterans. This was the war that was supposed to be the war to end all world wars.

World War I marked the beginning of the history of modern war. It was the war that brought America into the forefront as a world power. It was the first war to be fought on three continents. And World War I was the first industrialized war with the introduction of major technology in weaponry like machine guns, tanks, artillery guns, and airplanes.

In the 3-week long Meuse-Argonne Offensive, the largest U.S. engagement, 18,000 Americans were killed. Approximately 1,000 doughboys a day were killed. Some are still buried in Europe in graves known only by God.

Many of the servicemembers who survived the tolls of war and came back home to the United States had already contracted a deadly flu virus while they were in France, and many of them died in the United States after the war from that flu.

World War I should not be forgotten. In World War I there were no photographs taken, and after the war no blockbuster movies were made to tell the story.

So today, I was honored to be with Frank Buckles at a press conference at the D.C. World War I Memorial on the National Mall.

Since 1918, the men and women who served in World War I have gone without a national memorial to recognize their service to our country, and it is time that this changed. That is why I have introduced the Frank Buckles World War I Memorial Act. This bill would restore the District of Columbia's World War I Memorial and expand it so it serves a location on our mall for all those that served in World War I.

After 90 years of no national recognition, it is time these doughboys were given the thanks that they are due. After all, Mr. Speaker, they were the ''fathers of the greatest generation.''

When they went off to war in World War I, they sang the song of George M. Cohen, ''Over There,'' and it went something like this:

''Over there. Over there. Tell the world that the Yanks are coming. The Yanks are coming, and we won't be back until it is over, over there.''

Mr. Speaker, it is time to honor the lone survivor of World War I and the other doughboys that went to war over there in the forgotten war, World War I, and build them that national monument on the mall.

And that's just the way it is.

THE NEXT ADMINISTRATION MUST ADDRESS NATIONAL SECURITY CHALLENGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, we need to begin planning now for the issues our country must focus on when the new President takes office.

This will be the first presidential transition to occur during a time of war in many years. In addition, the next administration will face enormous budget pressures and national security challenges that will require sustained spending and the partnership of the Congress. Let me take this opportunity to discuss what I believe will be the top defense challenges for our next President.

First, we must develop a clear strategy to guide national security policy. Since World War II, the United States has been the indispensable Nation. But our Nation's ability to sustain this leadership role is jeopardized because we lack a comprehensive strategy to advance U.S. interests.

The next President must collaborate with Congress and the American people to formulate a new, broadly understood and accepted strategy to advance our national security interests. The next Quadrennial Defense Review of the Department of Defense must translate this strategy into a clear roadmap for organizing the Department and setting priorities in the next 4 years.

Second, we must restore America's credibility in the world. The full range of threats to our national security can only be addressed through the consistent and determined efforts of multiple nations working together. The new President will set the tone, but the U.S. can only lead and help reinvigorate international institutions if other nations believe we are credible, just, and intend our efforts to serve interests beyond our own.

Third, we must refocus our efforts on Afghanistan. The situation in Afghanistan is deteriorating. Violence by the Taliban and al Qaeda is rising. Attacks against the coalition are increasing. And, safe havens in the Afghanistan-Pakistan border region are thriving. The genesis of the 9/11 attack was in Afghanistan, and any future attack on our homeland is likely to originate in Afghanistan or in the border region with Pakistan.

Until our country is prepared to lead and act decisively and persistently, problems in Afghanistan will continue to fester. Our efforts in Iraq have diverted resources and focus away from the war in Afghanistan. We must refocus our efforts, and work with the international community to provide the necessary leadership, strategy, and resources to Afghanistan to ensure success in that mission.

Fourth, we must responsibly redeploy from Iraq. The men and women of our Armed Forces have done a magnificent job in Iraq, but the citizens of both the United States and Iraq agree that it is time for the U.S. military to come home. Our challenge is to manage that redeployment and to ensure that it reduces further strain on our military without jeopardizing the gains made in Iraq.

We must continue to protect U.S. citizens in Iraq, pursue terrorists, and help train and equip the Iraqi Security Forces. U.S. combat forces must be freed up to begin the process of resetting, rebuilding, and also refocusing in Afghanistan. The United States will face new challenges to our security and our interests in the future, and we will need the military units that are in Iraq to be returned to their full capability to effectively address them.

□ 1915

Fifth, we must recruit and retain a high-quality force. Our forces are the most highly trained and educated in the world, but we face serious challenges to maintain the quality of force we have today.

The cost to recruit and retain servicemembers has skyrocketed in recent years. And the tendency of Americans to serve in uniform has significantly declined as fewer young people are exposed to the military experience. Finding men and women who are physically and mentally qualified and willing to serve is an ongoing challenge.

Sixth, we must ensure a high state of readiness for our forces. Our troops have been engaged in combat operations for nearly 7 years, and it has strained our military to the breaking point. Restoring readiness will take a significant investment of time and money, easily exceeding $100 million, but it must be done if we are to expect our military to respond ably when we need them. We are already at risk. Either we fix our readiness problems immediately, or else risk emboldening those who would seek to do us harm.

Seven. We must develop a more comprehensive counter-terrorism strategy. With the al Qaeda and affiliated groups still presenting a major threat, the United States must apply ''lessons learned'' and be open to the advice of our allies. The key is to fight smarter and not necessarily harder by more effectively utilizing a range of tools beyond just the military-led, kinetic approaches to counterterrorism.

The new administration must more aggressively pursue strategic communications strategies, intelligence and policing work, targeted development assistance, and a range of other counterinsurgency and irregular warfare tools.

Eight, we must strike a balance between the near-term fixes and long-term modernization.

Each of the military services will have to address the fundamental imbalances in their current plans to simultaneously modernize and reset equipment, grow the number of ships in our Navy.

Nine, we must reform the interagency process.

And, ten, we must deal with the looming defense health care crisis.

With increasing defense health care costs, difficulties in recruiting and retaining medical professionals, and the overwhelming demand placed on the medical system as it attempts to support thousands of men and women returning from combat, as well as their families, there is a perfect storm brewing, and in the next few years, that storm will be upon us.

These and other national defense challenges will confront our Nation in the months and years ahead, and Congress and the administration must work together on a bipartisan basis to seriously address these issues. The security of the American people is at stake.

H.R. 6662: THE FALLEN HERO COMMEMORATION ACT

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. Mr. Speaker, throughout the history of our Nation, members of the United States Armed Forces have selflessly given their lives to secure and protect the freedoms Americans enjoy today.

Today, members of the United States Armed Forces are serving our Nation in Iraq, Afghanistan and many other parts of the world.

Without a loved one serving in our military, it is sometimes possible for Americans to overlook the sacrifices

that have been made and continue to be made by members of the Armed Forces on behalf of our Nation. It is for this reason I have introduced H.R. 6662, the Fallen Hero Commemoration Act. This bill would permit media coverage of military commemoration ceremonies, memorial services conducted by the Armed Forces, and arrival services for members of the Armed Forces who have died on active duty.

Currently, the Department of Defense does not permit arrival ceremonies for, or media coverage of deceased military personnel returning or departing from Ramstein Air Force Base or Dover Air Force Base.

Mr. Speaker, this ban on media coverage has not always been the case. Many of my colleagues in the House will remember that during the Vietnam War, images of arrival ceremonies and the flag-draped caskets of our servicemembers appeared regularly on TV and in newspapers.

In 1985, the media covered a ceremony at Andrews Air Force Base for members of the Armed Forces killed in El Salvador. It was not until 1991, during the Persian Gulf War, that the Department of Defense stopped permitting media coverage of the returns of the remains of fallen servicemembers.

However, in 1996 the media was granted access to Dover Air Force Base to photograph the arrival and transfer ceremony for the remains of Commerce Secretary Ron Brown and 32 other Americans killed when their plane crashed in Croatia. President Clinton was present to receive the flag-draped caskets.

In 1998, the media also photographed an arrival ceremony at Andrews Air Force Base for Americans killed in the bombings of U.S. embassies in Tanzania and Kenya. The Department of Defense restated the ban on media coverage at Dover Air Force Base and Ramstein Air Force Base in 2001.

However, in 2002, the media was permitted to photograph the transfer of flag-draped caskets at Ramstein Air Force Base that carried the remains of four United States servicemembers killed in Afghanistan.

In 2003, the Department of Defense expanded the no media policy to what it is today by stating, and I quote, ''There will be no arrival ceremonies for or media coverage of deceased military personnel returning or departing from Ramstein Air Force Base or Dover Air Force Base.''

Mr. Speaker, the sacrifice and service of today's fallen heroes is no less significant than the fallen heroes of past wars. By once again permitting access to credentialed members of the media at military ceremonies, arrival ceremonies and memorial services conducted by the Armed Forces, this legislation would honor those who go to war.

When people see a picture of a flag-draped casket, they will stop for just a minute and think a multitude of thoughts. One thought that always goes through my mind is, God bless that soldier. We can never thank them enough for what they have done for our country.

Today, I call upon my colleagues to become cosponsors of H.R. 6662, so that we may properly commemorate the sacrifices made by U.S. servicemembers.

Mr. Speaker, I ask that I might submit for the RECORD a New York Times editorial in support of this legislation which ran in yesterday's paper.

I ask permission, Mr. Speaker.

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

Mr. CONAWAY. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. JONES. I will then, Mr. Speaker, continue and close.

Mr. Speaker, I know that this is a short legislative year, but I hope that the Armed Services Committee will soon hold a hearing on what I think is a very important issue, remembering the sacrifices of our fallen heroes.

Mr. Speaker, it's too easy for us not to see the sacrifice. And when anyone is offended by seeing a flag-draped coffin, God help their soul.

I ask God to continue to bless our men and women in uniform and their families, and ask God to continue to bless America.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2008 AND FY 2009 AND THE 5-YEAR PERIOD FY 2009 THROUGH FY 2013

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal years 2008 and 2009 and for the 5-year period of fiscal years 2009 through 2013. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 301 and 302 of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by S. Con. Res. 70. This comparison is needed to enforce section 311(a) of the Budget Act, which establishes a point of order against any measure that would breach the budget resolution's aggregate levels.

The second table compares the current levels of budget authority and outlays for each authorizing committee with the ''section 302(a)'' allocations made under S. Con. Res. 70 for fiscal years 2008 and 2009 and fiscal years 2009 through 2013. This comparison is needed to enforce section 302(f) of the Budget Act, which establishes a point of order against any measure that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure.

The third table compares the current levels of discretionary appropriations for fiscal years 2008 and 2009 with the ''section 302(a)'' allocation of discretionary budget authority and outlays to the Appropriations Committee. This comparison is needed to enforce section 302(f) of the Budget Act, which establishes a point of order against any measure that would breach section 302(b) suballocations within the Appropriations Committee.

The fourth table gives the current level for fiscal years 2010 and 2011 for accounts identified for advance appropriations under section 302 of S. Con. Res. 70. This list is needed to enforce section 302 of the budget resolution, which establishes a point of order against appropriations bills that include advance appropriations that: (i) are not identified in the joint statement of managers; or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2009 CONGRESSIONAL BUDGET ADOPTED IN SENATE CONCURRENT RESOLUTION 70

[Reflecting Action Completed as of September 8, 2008—On-budget amounts, in millions of dollars]

	Fiscal year—2008 [2]	Fiscal year—2009 [1,2]	Fiscal years—2009–2013
Appropriate Level:			
Budget Authority	2,456,188	2,462,544	(3)
Outlays	2,437,784	2,497,322	(3)
Revenues	1,875,401	2,029,653	11,780,263
Current Level:			
Budget Authority	2,455,102	1,504,545	(3)
Outlays	2,435,528	1,907,172	(3)
Revenues	1,878,433	2,086,396	12,131,305
Current Level over (+) / under (−) Appropriate Level:			
Budget Authority	−1,086	−957,999	(3)
Outlays	−2,256	−590,150	(3)
Revenues	3,032	56,743	351,042

[1] Current aggregates do not include spending covered by section 301(b)(l) (overseas deployments and related activities). The section has not been triggered to date in Appropriations action.

[2] Current aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, which will not be included in current level due to its emergency designation (section 301(b)(2)).

[3] Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2008 in excess of $1,086 million (if not already included in the current level estimate) would cause FY 2008 budget authority to exceed the appropriate level set by S. Con. Res. 70.

Enactment of measures providing new budget authority for FY 2009 in excess of $957,999 million (if not already included in the current level estimate) would cause FY 2009 budget authority to exceed the appropriate level set by S. Con. Res. 70.

OUTLAYS

Enactment of measures providing new outlays for FY 2008 in excess of $2,256 million (if not already included in the current level estimate) would cause FY 2008 outlays to exceed the appropriate level set by S. Con. Res. 70.

Enactment of measures providing new outlays for FY 2009 in excess of $590,150 million (if not already included in the current level estimate) would cause FY 2009 outlays to exceed the appropriate level set by S. Con. Res. 70.

REVENUES

Enactment of measures resulting in revenue reduction for FY 2008 in excess of $3,032 million (if not already included in the current level estimate) would cause FY 2008 revenues to fall below the appropriate levels set by S. Con. Res. 70.

Enactment of measures resulting in revenue reduction for FY 2009 in excess of $56,743 million (if not already included in the current level estimate) would cause FY 2009 revenues to fall below the appropriate levels set by S. Con. Res. 70.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2009 through 2013 in excess of $351,042 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 70.

DIRECT SPENDING LEGISLATION COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES REFLECTING ACTION COMPLETED AS OF SEPTEMBER 8, 2008

[Fiscal years, in millions of dollars]

House committee	2008		2009		2009–2013 total	
	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Armed Services:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	1	1
Difference	0	0	0	0	1	1
Education and Labor:						
Allocation	−10	0	−9	−114	36	−60
Current Level	−10	0	−9	−114	36	−60
Difference	0	0	0	0	0	0
Energy and Commerce [1]:						
Allocation	89	81	839	802	3,162	3,157
Current Level	89	81	839	802	3,162	3,157
Difference	0	0	0	0	0	0
Financial Services:						
Allocation	0	0	0	0	0	0
Current Level	4,309	390	24,973	25,643	33,685	36,873
Difference	4,309	390	24,973	25,643	33,685	36,873
Foreign Affairs:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	3	3
Difference	0	0	0	0	3	3
Homeland Security:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
House Administration:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	1	1
Difference	0	0	0	0	1	1
Judiciary:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Natural Resources:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Oversight and Government Reform:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Science and Technology:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Transportation and Infrastructure:						
Allocation	395	0	1,496	0	4,176	0
Current Level	0	0	0	0	0	0
Difference	−395	0	−1,496	0	−4,176	0
Veterans' Affairs:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Ways and Means [1]:						
Allocation	1,853	1,843	5,794	5,714	−6,724	−5,034
Current Level	1,853	1,843	5,794	5,714	−6,724	−5,034
Difference	0	0	0	0	0	0

[1] Includes final scoring for the Medicare Improvements for Patients and Providers Act, which differed from scoring at the time of final House action on the bill.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2008—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) suballocations as of July 8, 2008 (H.Rpt. 110–747)		Current level reflecting action completed as of Sept. 8, 2008		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	19,302	20,765	19,302	20,765	0	0
Commerce, Justice, Science	53,873	53,545	53,873	53,545	0	0

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2008—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS—Continued

[In millions of dollars]

Appropriations Subcommittee	302(b) suballocations as of July 8, 2008 (H.Rpt. 110–747)		Current level reflecting action completed as of Sept. 8, 2008		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Defense	546,468	538,595	546,468	538,595	0	0
Energy and Water Development	30,891	30,756	30,891	30,756	0	0
Financial Services and General Government	21,162	21,150	21,162	21,150	0	0
Homeland Security	40,665	40,785	40,665	40,785	0	0
Interior, Environment	27,425	29,118	27,425	29,118	0	0
Labor, Health and Human Services, Education	146,064	147,647	146,064	147,647	0	0
Legislative Branch	3,969	4,076	3,969	4,076	0	0
Military Construction, Veterans Affairs	63,916	54,441	63,916	54,441	0	0
State, Foreign Operations	35,187	36,452	35,187	36,459	0	7
Transportation, HUD	56,556	114,961	56,556	114,961	0	0
Unassigned (full committee allowance)	5,000	2,653	0	0	−5,000	−2,653
Total (Section 302(a) Allocation)	1,050,478	1,094,944	1,045,478	1,092,298	−5,000	−2,646

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2009—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations subcommittee	302(b) suballocations as of July 8, 2008 (H.Rpt. 110–746)		Current level reflecting action completed as of Sept. 8, 2008		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	20,623	22,000	8	5,630	−20,615	−16,370
Commerce, Justice, Science	56,858	57,000	0	20,149	−56,858	−36,851
Defense	487,737	525,250	20	200,728	−487,717	−324,522
Energy and Water Development	33,265	32,825	25	12,986	−33,240	−19,839
Financial Services and General Government	21,900	22,900	89	4,941	−21,811	−17,959
Homeland Security	42,075	42,390	2,175	19,371	−39,900	−23,019
Interior, Environment	27,867	28,630	0	10,959	−27,867	−17,671
Labor, Health and Human Services, Education	152,643	152,000	21,123	101,359	−131,520	−50,641
Legislative Branch	4,404	4,340	0	611	−4,404	−3,729
Military Construction, Veterans Affairs	72,729	66,890	−1,879	21,879	−74,608	−45,011
State, Foreign Operations	36,620	36,000	0	17,867	−36,620	−18,133
Transportation, HUD	54,997	114,900	4,158	69,884	−50,839	−45,016
Unassigned (full committee allowance)	0	987	0	0	0	−987
Total (Section 302(a) Allocation)	1,011,718	1,106,112	25,719	486,364	−985,999	−619,748

2010 AND 2011 ADVANCE APPROPRIATIONS UNDER SECTION 302 OF S. CON. RES. 70

[Budget Authority in millions of dollars]

	2010
Appropriate Level	28,852
Enacted advances:	
Accounts Identified for Advances:	
Employment and Training Administration	—
Job Corps	—
Education for the Disadvantaged	—
School Improvement	—
Children and Family Services (Head Start)	—
Special Education	—
Career, Technical and Adult Education	—
Payment to Postal Service	—
Tenant-based Rental Assistance	—
Project-based Rental Assistance	—
Appropriate Level [1]	n.a.
Enacted advances:	
Accounts Identified for Advances:	
Corporation for Public Broadcasting	—

[1] S. Con. Res. 70 does not provide a dollar limit for 2011.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 9, 2008.

Hon. JOHN M. SPRATT Jr.,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2008 budget and is current through September 8, 2008'. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, as approved by the Senate and the House of Representatives.

Since my last letter, dated June 17, 2008, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, and revenues for fiscal year 2008:

Supplemental Appropriations Act, 2008 (Public Law 110–252);

Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275);

Housing and Economic Recovery Act of 2008 (Public Law 110–289); and

Higher Education Opportunity Act (Public Law 110–315).

Sincerely,

PETER R. ORSZAG,
Director.

Enclosure.

FISCAL YEAR 2008 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 8, 2008

[in millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted [1]			
Revenues	n.a.	n.a.	1,879,400
Permanents and other spending legislation	1,441,017	1,394,894	n.a..
Appropriation legislation	1,604,649	1,635,118	n.a.
Offsetting receipts	−596,805	−596,805	n.a.
Total, Previously enacted	2.448,861	2,433,207	1,879,400
Enacted this session:			
Supplemental Appropriations Act, 2008 (P.L. 110–252) [2]	0	7	0
Medicare Improvements for Patients and Providers Act of 2008 (P.L. 110–275)	1,942	1,924	1
Housing and Economic Recovery Act of 2008 (P.L 110–289)	4,309	390	−968
Higher Education Opportunity Act (P.L. 110–315)	−10	0	0
Total, enacted this session	6,241	2,321	−967
Total Current Level [3]	2,455,102	2,435,528	1,878,433
Total Budget Resolution [4]	2,564,244	2,466,685	1,875,401
Adjustment to budget resolution pursuant to section 301(b)(l) [5]	−108,056	−28,901	n.a.

FISCAL YEAR 2008 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 8, 2008—Continued

[in millions of dollars]

	Budget authority	Outlays	Revenues
Adjusted Budget Resolution	2,456.188	2,437,784	1,875,401
Current Level Over Budget Resolution	n.a.	n.a.	n.a.
Current Level Under Budget Resolution	1,086	2,256	n.a.

Note: n.a. = not applicable; P.L. = Public Law.

1. Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during this session, but before the adoption of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009; National Defense Authorization Act for Fiscal Year 2008 (P.L. 110–181), Economic Stimulus Act of 2008 (P.L. 10–185), Andean Trade Preference Extension Act of 2008 (P.L. 110–191), Ensuring Continued Access to Student Loans Act of 2008 (P.L. 110–227), Consolidated Natural Resources Act of 2008 (P.L. 110–229), Strategic Petroleum Reserve Fill Suspension and Consumer Act of 2008 (P.L. 110–232), Food, Conservation, and Energy Act or 2008 (P.L. 110–234). SAFETEA–LU Technical Corrections Act of 2008 (P.L. 110-244), and Heroes Earnings Assistance and Relief Act of 2008 (P.L. 110–245).

2. Pursuant to section 30l(b)(2) of S. Con. Res. 70, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2008, which are not included in the current level totals, are as follows:

Supplemental Appropriations Act, 2008 (P.L. 110-252)	115,808	35,350	n.a.

3. For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

4. Periodically, the House Committee on the Budget revises the totals in S. Con. Res. 70, pursuant to various provisions of the resolution:

Original Budget Resolution	2,563,262	2,465,711	1,875,392
Revisions:			
For the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (section 323(d)	−950	−950	0
For the Heroes Earnings Assistance and Relief Tax Act of 2008 (section 323(d)	0	0	−8
For the Medicare Improvement for Patients and Providers Act of 2008 (sections 210 and 212(b)	1,942	1,924	1
For the Higher Education Opportunity Act (section 208)	−10	0	0
Revised Budget Resolution	2,564,244	2,466,685	1,875,401

5. Section 301(b)(l) of S. Con. Res. 70 assumed $108,056 million in budget authority and $28,901 million in outlays for overseas deployment and related activities. The Supplemental Appropriations Act, 2008 (P.L. 110–252) did not use this provision, and instead designated a comparable amount as emergency funding. Because section 301(b)(2) requires that the current level exclude amounts for emergency needs, the House Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

Source: Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 9,2008.

Hon. JOHN M. SPRATT, Jr.,
Chairman, Committee on the Budget, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current through September 8, 2008. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, as approved by the Senate and the House of Representatives.

Since my last letter, dated June 17, 2008, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, and revenues for fiscal year 2009:

Supplemental Appropriations Act, 2008 (Public Law 110–252);

Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275);

Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (Public Law 110–287);

Housing and Economic Recovery Act of 2008 (Public Law 110–289); and

Higher Education Opportunity Act (Public Law 110–315).

Sincerely,

PETER R. ORSZAG,
Director.

Enclosure.

FISCAL YEAR 2009 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 8, 2008

[in millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted [1]			
Revenues	n.a.	n.a.	2,097,399
Permanents and other spending legislation	1,485,953	1,436,774	n.a.
Appropriation legislation	0	471,581	n.a.
Offsetting receipts	−587,749	−587,749	n.a.
Total, Previously enacted	898,204	1,320,606	2,097,399
Enacted this session:			
Supplemental Appropriations Act, 2008 (P.L. 110–252) [2]	0	23	27
Medicare Improvements for Patients and Providers Act of 2008 (P.L. 110–275)	6,633	6,516	9
Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (P.L. 110–287)	0	0	−2
Housing and Economic Recovery Act of 2008 (P.L. 110–289)	24,973	25,643	−11,037
Higher Education Opportunity Act (P.L. 110–315)	−9	−114	0
Total, enacted this session	31,597	32,068	−11,003
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	574,744	554,498	0
Total Current Level [3]	1,504,545	1,907,172	2,086,396
Total Budget Resolution [4]	2,538,305	2,573,283	2,029,653
Adjustment to budget resolution pursuant to section 301(b)(1) [5]	−70,000	−74,809	n.a.
Adjustment to budget resolution pursuant to section 301(b)(2) [6]	−5,761	−1,152	n.a.
Adjusted Budget Resolution	2,462,544	2,497,322	2,029,653
Current Level Over Budget Resolution	n.a.	n.a.	56,743
Current Level Under Budget Resolution	957,999	590,150	n.a.
Memorandum:			
Revenues, 2009–2013:			
House Current Level	n.a.	n.a.	12,131,305
House Budget Resolution	n.a.	n.a.	11,780,263
Current Level Over Budget Resolution	n.a.	n.a.	351,042
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

Note: n.a. = not applicable; P.L. = Public Law.

[1] Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during this session, but before the adoption of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009: National Defense Authorization Act for Fiscal Year 2008 (P.L. 110–181), Economic Stimulus Act of 2008 (P.L. 110–185), Andean Trade Preference Extension Act of 2008 (P.L. 110–191), Ensuring Continued Access to Student Loans Act of 2008 (P.L. 110–227), Consolidated Natural Resources Act of 2008 (P.L. 110–229), Strategic Petroleum Reserve Fill Suspension and Consumer Act of 2008 (P.L. 110–232), Genetic Information Nondiscrimination Act of 2008 (P.L. 110–233), Food, Conservation, and Energy Act of 2008 (P.L. 110–234), SAFETEA–LU Technical Corrections Act of 2008 (P.L. 110–244), and Heroes Earnings Assistance and Relief Act of 2008 (P.L. 110–245).

[2] Pursuant to section 301(b)(2) of S. Con. Res. 70, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which are not included in the current level totals, are as follows:

Supplemental Appropriation Act, 2008 (P.L. 110–252)	85,155	87,211	n.a.

[3] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[4] Periodically, the House Committee on the Budget revises the totals in S. Con. Res. 70, pursuant to various provisions of the resolution:

Original Budget Resolution	2,530,703	2,565,903	2,029,612
Revisions:			
For the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (section 323(d))	950	950	0
For the Heroes Earnings Assistance and Relief Tax Act of 2008 (section 323(d))	28	28	32

For the Medicare Improvement for Patients and Providers Act of 2008 (sections 210 and 212(b))	6,633	6,516	9
For the Higher Education Opportunity Act (section 208)	−9	−114	0
Revised Budget Resolution	2,538,305	2,573,283	2.029,653

[5] Section 301(b)(1) of S. Con. Res. 70 assumed $70,000 million in budget authority and $74.809 million in outlays for overseas deployment and related activities. The Supplemental Appropriations Act, 2008 (P.L. 110–252) did not use this provision, and instead designated a comparable amount as emergency funding. Because section 301(b)(2) requires that the current level exclude amounts for emergency needs, the House Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

[6] S. Con. Res. 70 assumed emergency amounts of $5,761 million in budget authority and $1,152 million in outlays for the Corps of Engineers. Because section 301(b)(2) requires that the current level exclude amounts for emergency needs, the House Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

Source: Congressional Budget Office.

IRAQ HAS BECOME THE ''FORGOTTEN WAR''

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, after more than 5 years of occupation, America continues to have over 140,000 troops in Iraq. We continue to employ tens of thousands of military contractors. Over 1,200 Iraqi civilians died in the violence this summer alone, and there are still over 4 million refugees. Yet, Iraq is becoming the ''Forgotten War.'' We barely hear about it anymore. I have not forgotten Iraq. I will not forget it.

I rise today to remind the House of two things: First, America continues to occupy a country that never attacked the United States and was never a security threat to us; and second, we continue to spend over $10 billion a month in Iraq, at a time when the American people are losing their homes, their health care, and their jobs.

Everyone who is forgetting Iraq should read the recent report of the Government Accountability Office. GAO offers a harsh assessment of the administration's handling of the occupation, and warns that the security environment in Iraq remains volatile and dangerous.

The GAO report describes many problems. Only 24 percent of the Iraqi funds budgeted for reconstruction have been spent. Essential services to the Iraqi people continue to lag. The daily supply of electricity meets only half the need. The Iraqi ministries responsible for essential services spent only 11 percent of their capital investment budgets in 2007. Many of the benchmarks for progress have just not been met.

Perhaps worst of all, the administration has failed to develop a plan for improving the delivery of government services in Iraq. And to make matters worse, the GAO has urged the Defense Department and the State Department to work together to come up with such a plan, but both departments have refused to do so.

Many of the points made by the GAO were also made by former Iraqi Prime Minister Allawi when he testified before Chairman DELAHUNT and the Foreign Affairs Committee's Subcommittee on International Organizations, Human Rights and Oversight just last month. Prime Minister Allawi said, ''Progress continues to be very slow, if not stagnant, for public services and the economy, which includes the provision of electricity, water supply, health services and creating job opportunities.''

Iraq continues to be a humanitarian disaster area, Mr. Speaker. A recent story in the press reported that Iraq needs 100,000 doctors, but has only 15,500. Many doctors fled after our invasion in 2003. A country that has seen over 5 years of bloodshed, obviously needs a good health care system. Iraq's health care system is in chaos.

Mr. Speaker, we keep hearing that the Iraq occupation is making things better when, in reality, it's making things worse because it delays the day that Iraq can really get back on its feet.

Ending the occupation would allow us to focus more resources on reconstruction and humanitarian efforts. It would allow regional and international partners to come into Iraq to help with reconstruction and reconciliation, because those countries simply won't get involved until we redeploy.

Mr. Speaker, it's time to end the occupation once and for all. It's time to shake off our amnesia and remember the forgotten war.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is September 9, 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 13,014 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.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, ''The care of human life and its happiness and not its destruction is the chief and only object of good government.'' The phrase in the 14th Amendment capsulizes our entire Constitution. It says, ''No State shall deprive any person of life, liberty or property without due process of law.'' Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So Mr. 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 13,014 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.

Mr. 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 September 9, 2008, 13,014 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.

HONOR FLIGHT HONORS OUR WORLD WAR II VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, tomorrow is a special day. The story begins several years ago. In 2004, just a few days before its dedication, I put on my tennis shoes and walked outside

the U.S. Capitol Building and beyond the Washington Monument to the newly constructed World War II Memorial on the National Mall. As we know, it was inspiring. At long last, nearly 60 years after the war ended, veterans who did so much to protect our country and liberate the world, were to receive recognition for their service, their sacrifice and the victory through a national monument.

I had my cell phone with me, and I stepped away from the memorial and I called my 90-year-old father back in our hometown of Plainville. He is one of the thousands of Americans who left their families and lives behind in World War II to fight for our country. My father fought in Northern Africa and Sicily and Italy.

Fortunately, when I called, I got the answering machine. It's often difficult for sons and daughters to tell their fathers the things we should tell them. The message I left my dad was, ''Dad, I love you. Dad, I'm proud of you, and Dad, thank you for your service to our country.'' I told my dad what I should have said a long time ago, and what we all should say to our veterans.

It was too bad that many of the veterans of this greatest generation, now in their 80s and 90s, are unable, physically or financially, to visit our Nation's Capitol and see this beautiful tribute to their service and sacrifice and to hear those important words.

Earlier this year, Senator Bob Dole, himself a World War II veteran who led the charge to build the memorial, told me about a grassroots, not-for-profit organization called Honor Flight. Honor Flight enables World War II veterans to travel to our Nation's Capital to see the memorial created in their honor. Staffed by volunteers and funded by donations, Honor Flight used commercial and chartered flights to send veterans on a one-day, expense-paid trip to Washington, D.C.

□ 1930

Earl Morse of Ohio and Jeff Miller of North Carolina created the Honor Flight Network, which now operates in 30 States.

Over the past months I have joined Senator Dole to greet Kansas veterans arriving at the World War II Memorial by means of Honor Flight. It is a very moving experience as veterans recount tales of their time in the service to volunteers who are often local high school students. Tourists stop their sightseeing to shake the veterans' hands, and you see the excitement of the veterans' eyes, and many are moved to tears. It's a special day for that generation of heroes.

Of the 16 million veterans who served in World War II, only 2.5 million are alive today. And we are losing them at a rate of 900 each day. Honor Flight is working against time to say ''thank you'' to these veterans.

Tomorrow, after months of preparation and fundraising by volunteers, an Honor Flight of World War II veterans from Plainville to Stockton, from Hays, Hill City, Ness City, and a lot of other small towns of northwest Kansas will be arriving in Washington, D.C. On that flight will be my father, my dad, and 101 of his fellow Kansas veterans will finally see firsthand the World War II Memorial and experience our Nation's gratitude for their service.

Tonight I want to thank the Honor Flight Network and the thousands of volunteers and donors across the country who make these moving experiences possible. In particular, I thank Pat Hageman of Natoma for organizing tomorrow's Honor Flight, the students from Rooks County high schools who are serving as volunteers, the medical personnel, and especially the local businesses, individuals, and veterans service organizations in northwest Kansas who have financed this Honor Flight.

I doubt my dad or any of the other men and women who will be in Washington, D.C., tomorrow will be able to sleep when they go to bed tonight in the small towns across Kansas. They will lay wide awake with nervous anticipation and excitement. But though they lay awake tonight, the rest of America has been able to sleep because of the sacrifice of the World War II veterans.

Tomorrow, once again we all can say that these men and women of our country and our country's other World War II veterans, ''We love you; we are proud of you, and we thank you for your service to our country.''

SOCCER DIPLOMACY BETWEEN ARMENIA AND TURKEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to congratulate Armenia and its President on the historic soccer match between Armenia and Turkey this past weekend. On July 9, President Serge Sargisian and the ''Wall Street Journal,'' Europe edition took a surprising and historic step by inviting President Gul of Turkey to sit with him and watch the two nations play the World Cup qualifier match in Yerevan, the capital of Armenia.

In an effort to warm relations between the two countries, President Sargisian wrote, ''Just as the people of China and the United States shared enthusiasm for ping pong before their governments fully normalized relations, the people of Armenia and Turkey are united in their love for football.''

President Gul accepted the offer, and on Saturday, September 6, he became the first Turkish leader to visit Armenia.

Armenia initiated soccer diplomacy with Turkey despite nearly a century of Turkish genocide denial and 15 years of an economic blockade. For years, Armenia has been ready to establish relations with Turkey without preconditions, and President Sargisian's recent efforts reinforced this commitment. President Gul must also be commended for his efforts to see past the opposition of some in his country by attending the match.

With the recent violence between Russia and Georgia, further steps to promote stability in the Caucasus must be taken, and strengthening Armenian and Turkish relations is essential to these efforts.

Turkey can strengthen its relationship with Armenia by ending its policy of genocide denial, a policy that is imposed both globally and domestically. Turkey should lift all restrictions imposed by section 301 of the Turkish Penal Code on individuals who study, discuss, or recognize the Armenian genocide. Silencing academics and writers limits freedom of speech and makes any serious discussion of the Armenian genocide within Turkey taboo.

To improve relations, Turkey must also lift its stifling economic blockade on Armenia. The State Department estimates that the blockade inflates Armenia by 30 to 35 percent. Removing the blockade will enable the development of immediate infrastructure projects and regional communications, energy, and transportation in the Caucasus. The removal of the blockade would also do much to catalyze global investment in Turkey and Armenia.

With the recent conflict between Russia and Georgia, Armenia proved itself to be a constructive partner to Georgia. The Armenian government provided safe transit for U.S. and international officials and thousands of Georgia nationals and nongovernmental organization representatives.

But Armenia experienced significant economic distress due to the conflict between Georgia and Russia. The country lost an estimated $650 million and shortages in fuel and wheat were rampant. With renewed volatility in the Caucasus, Armenia can no longer afford to suffer from dual blockades.

President Sargisian's initiation of soccer diplomacy and President Gul's reciprocal invitation to watch a game next year in Turkey is a positive breakthrough in a region of historic violence and tense emotions.

As President Sargisian wrote, ''A more prosperous, mutually beneficial future for Armenia and Turkey, and the opening up of a historic East-West corridor for Europe, the Caspian region and the rest of the world, are goals that we can and must achieve.''

Mr. Speaker, let me just say as a Congressman and speaking for all Members of Congress, we must do all that we can to support these efforts to bring Armenia and Turkey together. It may seem that a soccer match is not that significant, but it is very significant. No Turkish leader has ever visited Armenia before. So I want to commend this occasion and hope that it leads to more of further developments and relations between the two countries.

Thank you, Mr. Speaker.

WE NEED NUCLEAR POWER AND WE NEED IT NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BACHUS) is recognized for 5 minutes.

Mr. BACHUS. Mr. Speaker, when I visited my district in August, people had one thing on their mind and one thing only, and that was the high gas prices, exactly, what a hardship they were on the people of Alabama, and I think people throughout the Nation.

One of my constituents in Bibb County, Alabama, handed me at a townhall meeting his gas receipt. As you can see, he paid $90, $89 to fill up his truck. Now, Bibb County, Alabama, the average resident of that county makes $312 gross a week. Now, imagine a county where the average income is $312. Now, further imagine that 59 percent of people in that county commute out of town to work; 59 percent of them have to drive 40 and 50 miles to work every day. And they're like this gentleman, $90 a day out of a paycheck of less than $300.

They told me of stories of how they pay their gas bill, they struggle to pay their rent or their mortgage, they struggle to put food on the table, they struggle with all sorts of financial hardships. Is it any wonder that 9 percent of the people in this country are behind on their mortgage when they're putting hundreds of dollars on their gas bills?

They're also angry about something else. They're angry because we're not doing anything about it. Not only is this money coming out of the United States and out of our citizens' pockets, but let me tell you where it's going.

I recently went to a country—many countries in the world that we're getting oil from, they don't like us. They hate us. But one country that is actually our friend is Dubai. And I went to Dubai recently.

First, I want to show you a picture of Dubai in 1976. This was before oil prices went up. That's the main street in Dubai in 1976. It's a dirt road. The highest structure in Dubai is that mosque that many are in, about three stories high.

When I went to Dubai, it didn't look anything like a small coastal village. It looked quite different.

The next picture that I am going to show you is a picture of when I went there. Now, you saw that $89 gas bill. You're wondering where that money is going? This is where it's going. And this is what it's accomplishing for Dubai.

That's where our money is. The Highway Trust Fund will run out of money next week. The people of Dubai are not running out of money. That's why the Highway Trust Fund has no money in it.

You see all of the construction there? I was in Minneapolis this week. I saw very little construction. You go to cities around America, you see very little construction. You see very few of these high-rise cranes. But let me show you what you're seeing in Dubai. Let me show you another picture of Dubai.

This is a picture I took from a five-star hotel that we toured. Look at the construction frames. Those are construction frames that if we would solve our energy dependency, they would be in Minneapolis, they would be in Denver, they would be in Atlanta. But 15 to 25 percent of them are in Dubai. That's where our money is going.

Not only should our people be angry about what they're paying—they should be angry—and these are our friends. This is a country that is our friend. Most of our money goes to countries that are not our friends.

Let me tell you what Dubai is doing. They've got plenty of oil, and they've got a lot of money. Do you know what they're spending their money on? Let me show you.

China, India, Dubai, and Abu Dhabi, they get it. They're doing something about their energy problem. China is building 32 nuclear power plants. India is building 17. The slide I just showed you of Dubai, an oil rich country, and Abu Dhabi, they're building nuclear power plants. They're going to build 14 nuclear power plants. We're building none. And let me tell you the people in Alabama and this Nation are upset that they are building, China is building, India is building, and we are standing still. That's another thing they're angry about.

We need nuclear power, and we need it now.

Mr. Speaker, during my energy presentation on the House floor this evening, I received assistance from our congressional page, John Brinkerhoff. John is a junior at Spain Park High School in Hoover. He is an accomplished young man who will reflect well on the page program and on his family, school, and community during his time in Congress. My sincere thanks go to John for his help on the floor.

HONORING HARRY A. MARMION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of New York. Mr. Speaker, I rise to recognize Harry A. Marmion who recently passed away after a long and distinguished career in which he served of president of two colleges and as president of the United States Tennis Association during the time when the Arthur Ashe Stadium what constructed and opened.

He was an outstanding leader in all of these roles, but more than that, he was an outstanding person. He remained active and involved in life until the day he died. And I am proud to have called him my mentor and my friend.

Harry Marmion loved people, and they loved him. His quick wit and engaging personality enabled him to rally people to get the job done, whether it was establishing the John Steinbeck Room in the Southampton College Library or overseeing the naming of Arthur Ashe Stadium.

Following his graduation from Fairfield University, Harry served for 2 years in the United States Marine Corps as an infantry officer. He then served in the Marine Corps Reserve for 26 years, retiring as a colonel. Dr. Marmion held a law degree from Georgetown University and a Ph.D. from the University of Connecticut.

At the age of 37, he was appointed president of St. Xavier College in Chicago, a position he held from 1969 to 1972. In 1972, he was appointed president of Southampton College of Long Island University. During his presidency, I was an administrator at the college and thus I had the opportunity to see firsthand his leadership style and his ability.

He was always accessible and able to talk to people from all walks of life. He helped position Southampton College as a liberal arts institution with specialties in marine science and the fine arts, and it was during his tenure that Southampton students won the college's first three Fulbright Scholarships.

Harry was always available for advice and good counsel. I often relied on his judgment and advice after I was appointed provost of Southampton College and later when I was elected to Congress.

In 1980, he was appointed vice president for academic affairs and professor of law and management at Fairleigh Dickinson University in New Jersey.

□ 1945

He retired after 10 years, only to embark on a second career with the United States Tennis Association.

His love of tennis began in the 1980s when he was ranked a senior player in the East, despite the fact that he had never played tennis until he was in his 30s. After serving as the president of the Eastern Tennis Association and on the USTA's board of directors, Harry became its 43rd chairman and president of the USTA's board in 1997. During his tenure, he oversaw the renovation of the USTA's facility in Flushing Meadows. He was instrumental in ensuring that the stadium be named in honor of Arthur Ashe, the great African American athlete, rather than for a corporate sponsor.

Harry loved a good joke as much as anyone I know, but he also loved a good cause and was never afraid to do the right thing. He played a key role in the election of Judy Levering as his successor at the USTA, the first female to hold that position. And when Southampton College was facing closure in 2005, he helped form the ''Save the College'' group and served as one of its most influential members, proudly participating in the ultimately Stony Brook/Southampton campus.

Always active in the community, Harry served as Southampton Democratic Town Chairman and as a member of the board of trustees of Southampton Hospital. He also wrote two books: ''The Case Against the Volunteer Army,'' and ''Selective Service: Conflict and Compromise.''

Harry was also a devoted family man. He and his wife, Pat, were married for 54 years. They have three daughters, Elizabeth, Sarah, and Sheila, and nine grandchildren.

At a February 1997 press conference when the USTA announced the naming of the new stadium, Harry said, ''Arthur Ashe was an outstanding tennis player, but we naming our new stadium in his honor because Arthur Ashe was the finest human being the sport of tennis has ever known.''

Mr. Speaker, the same could be said of Harry Marmion: he excelled at his career and as a human being. I, along with hundreds of others he touched over the course of his life, loved Harry Marmion. I will miss him greatly.

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 addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ALL-OF-THE-ABOVE ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, it's that time of day in the House business when Members of the House have the right and the privilege to come to the floor and speak to colleagues both here and back in their offices and to constituents via the cameras for a period of 5 minutes. And you've heard some important speeches tonight, some heartfelt speeches, various topics, issues that Members of Congress felt were the most important thing that they could communicate today, and it's their right and their privilege.

Why do I bring that up? Well, on August 1, Friday, August 1, the last day before the 5-week paid vacation that the Speaker sent everybody on from the House of Representatives, the Speaker brought down the gavel at 11:23 a.m. before more than 40 Members of the House of Representatives were given the right and the privilege of addressing this Chamber.

Why? Well, it appeared that the Speaker wasn't interested in having the message that we were concerned about as we were summarily dismissed across this Nation to be delivered. And what was that topic we were concerned about? Mr. Speaker, it is the number one issue for Americans: the high cost of gasoline, the high cost of energy. And the Speaker said, no, go on home.

So what happened then was a spontaneous uprising, a spontaneous speak-in of over 134 members of the Republican Conference who came back and stayed not just that day, but there were members of the Republican Conference every single day here in Washington on the floor of this House, with lights dimmed, with cameras off, with microphones silenced, speaking to constituents about the number one issue of the day: the high cost of energy.

So we've been back in town now a little over 24 hours. Each of us had gone home for a period of that time, that 5-week period of time, and heard from our constituents about their concerns. And their concerns are based primarily on the economy, which is based primarily on the high cost of energy.

So when you see jobs lost, when you see the unemployment rate rise, it's directly related to the inaction of this Congress on the number one issue of the day: increasing gas prices.

We've had a bill that we have put before the House of Representatives that we believe addresses all of the above; that says we ought to embrace all of the solutions that we can as America; that we ought to end our dependence and our reliance on foreign oil; that we ought to increase our domestic production of oil; that we ought to increase our incentives for conservation; and that we ought to rapidly explore alternative fuels and alternative resources. That's what we believe ought to be done. But the Speaker and the Democrat leadership, the majority Democrat Party in this House of Representatives says, no, not going to allow that.

What are they afraid of? What are they afraid of, Mr. Speaker? Well, I would suggest, Mr. Speaker, it's just all politics all the time. They believe they are beholden to a group in this Nation that doesn't want to increase American energy. Their friends on the other side of the aisle are saying, as we approach this election season, are you better off now than you were 4 years ago or 8 years ago or they will pick a time.

Mr. Speaker, I would ask you, are you better off now than you were 2 years ago? Just 2 years ago. Because what's changed in this 2-year period of time is that we have leadership now in the House of Representatives that refuses to address the number one issue.

We believe that the American Energy Act is what ought to come to the floor. We implore the Speaker to put this bill on the floor and have an up-or-down vote, have debate like it ought to occur in this House, not close debate, not silence Members in this House of Representatives. Have an up-or-down vote on the American Energy Act, an all-of-the-above approach to energy independence.

That is what American people support, an all-of-the-above policy. Over 80 percent of them have said, yes, we ought to do all of these things. We ought to do more conservation. We ought to make certain that we have renewable fuels and explore as much as possible to find those new technologies, and we ought to make certain that we increase American supply of energy for Americans. That's all we ask, Mr. Speaker.

So during this period of time, I thought it was appropriate that since we weren't able to give speeches on August 1, that I come and share the message that is the most important message that the American people want to hear, and that is, that the United States House of Representatives will get down to work and do what the American people desire, and that is pass an all-of-the-above energy policy.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HIGGINS) is recognized for 5 minutes.

(Mr. HIGGINS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

UNFAIR TRADE POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KAGEN) is recognized for 5 minutes.

Mr. KAGEN. Mr. Speaker, I appreciate the opportunity to share with you some of the stories of people that live in northeast Wisconsin. Northeast Wisconsin is a hardworking area where people work hard and play by the rules, and we expect to get compensated with a living wage, a wage that's necessary not just to educate ourselves but also our families.

In recent times, because of unfair trade policies and unfair trade agreements, particularly by the Asian corporate governments—let's just call it Communist China—we've witnessed the disappearance of many thousands of jobs, particularly in the paper industry.

Now, Wisconsin is an agricultural State, and one of the things that we do manufacture is paper. We grow trees; and after a generation, we harvest these trees and process them into paper.

You've heard about Kleenex. You've heard about Puffs, Huggies and many other paper products that have made your life much more valuable, much more convenient. But what's happened recently is a corporation has closed a paper mill in Niagara, taking away the livelihoods of hundreds and hundreds of workers who for over 100 years have worked in the Niagara Paper Mill to produce a valuable product.

More recently, in Kimberly, several days ago in Kimberly as in Kimberly-Clark, as in Kleenex, the Kimberly Paper Mill was closed, and when it shut down, it turned away hundreds and hundreds of people. In Kimberly, Little Chute, Combined Locks, Kaukauna, Appleton and the surrounding area of Darboy, these people who had been working hard no longer had their jobs.

So I wish to share with you tonight some of those families' stories and what this closure, what the stealing of American jobs means and also comes with a warning, a warning that I've been repeating for the last 6 months. As Niagara goes, so goes this Nation. And as Kimberly goes, so goes our country.

This is a photo I'm showing you of the Wendel family. This is Don Wendel who worked for 30 years in the Kimberly mill. His wife is Ann on the far left of the picture; his daughter, Kathleen; and the son is Anthony. And he said, ''Our daughter is a junior in high school and the thought of paying for college with this uncertain future is daunting. We also need to move to a larger home or add on to ours, and this now needs to be postponed indefinitely. We may have to sell our car we bought in March.''

To sum it up, ''It is shocking and disheartening that the owners, instead of researching options to make this mill profitable, made such a quick decision to shut it down. It is causing such great devastation to so many families, and the entire Kimberly community.''

He's not alone. There are hundreds of others, like Jerry Jansen who worked there for 41 years. His wife is Donna; children, Craig, Scott and Matt; and many grandchildren. What does he say about this impact of the closing of the mill? ''Just over 2 years left until I can collect Social Security. I don't know what I'm going to do until then. Nobody is going to hire someone my age.''

To sum it up, ''I feel like my life has been sucked out of me.''

For generations, his family has worked at that mill, not just his family but his in-laws as well.

Another family, Tom Kilsdonk has been there for 24 years. His wife, Jodi; his children, Karley, Camie, and Hannah. And he said, ''I have a major changes coming in a short period of time. Financial, emotional, social. My wife now works two jobs with no health care. It will not be enough.''

To sum it up he said, ''I feel like someone blindfolded me, dropped me off in the middle of the forest and left me there. I am angry, frustrated and nervous.''

Well, to Tom Kilsdonk, to the Jansen family, to the Wendel family, there's somebody listening, and I have the honor of representing you and coming here to Congress to share with my colleagues your story. Your story must be told not just across Wisconsin, the Midwest, but across the country. Your story is not alone.

These unfair and unbalanced trade deals and the failure of this administration to administer justice, to apply the law equally, and to allow the illegal dumping of Chinese paper and South Korean paper into our domestic marketplace has damaged not only your lives but your entire city and entire region. This is a matter of national security. It's called job security. It's something that we have to fight for each and every day here in Congress.

And, yes, it's true, there are three components to the cost of doing business in the paper industry: energy, raw materials, and labor. We have to work hard here in Congress together and join hands across the aisle to solve these complex problems of energy and the economy.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

(Mr. SOUDER 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 California (Mr. SHERMAN) is recognized for 5 minutes.

(Mr. SHERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMERICAN ENERGY ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. LATTA) is recognized for 60 minutes as the designee of the minority leader.

Mr. LATTA. Mr. Speaker, I appreciate the time.

As we gather here this evening, we have heard a lot of speeches and discussion about one of the number one questions we have in this country, and that's our energy policy. We all went home and a lot of us didn't want to go home on August 1, and we stayed down here to get an energy policy in this country, but as we did go home, we faced a lot of questions from our constituents.

I, for one, represent the National Manufacturing Association, one of the largest manufacturing districts, with manufacturing jobs in the Congress, and the number one agriculture district in Ohio. We have got a lot of needs in our district concerning energy. And that energy isn't just talking about oil to put in our cars, but it also depends on what we have in our factories.

□ 2000

This evening, we have a number of Members who I would like to bring to the podium to talk a little bit about what's happening, not only in their States but across this country. The first Member I'd like to introduce this evening is our distinguished Member from Texas, our ranking member on Energy and Commerce, Mr. BARTON.

Good evening, and thanks very much.

Mr. BARTON of Texas. Well, thank you, Congressman LATTA, and thank you for hosting this Special Order.

It's nice to be on the floor with the cameras on and with the microphones on. I was one of, I think, 135 Republican Members of the House who participated in what I called our American townhall meetings here on the floor during the August work period where we spoke to the tourists who were coming through the Capitol. We talked about the need for a comprehensive energy policy. We did it without the benefit of microphones and with the cameras off, just speaking extemporaneously to educate the American public and to keep a vigil for the American public for a real energy policy.

I notice that our distinguished Speaker today held a press conference at which she announced yet another attempt to politically confuse the American people by putting a so-called ''energy package'' on the floor perhaps on Thursday, perhaps on Friday, perhaps some day next week. One of her aides, in response to a question from the press corps after that press conference, said—and I'm not going to say this is an exact quote—that they would never allow the Republican energy package to come onto the floor because it was too radical. Well, that must be a different definition of ''radical'' than is in Webster's Dictionary, because what the Republican energy package is is the radical notion that Americans, themselves, can develop American resources so that we have American-made energy/American-produced energy to keep America's families and America's factories humming and being productive. I don't think that's radical.

I want to talk a little bit about a part of that energy policy, the Republican energy policy, which would be to allow drilling in ANWR, up in Alaska. I've been having my staff do a little bit of research, and I thought it might be beneficial to give the benefits of some of that research here to the Members on the floor and to others in the country.

In 1910, almost 100 years ago—I think it was while Teddy Roosevelt was President—the Congress passed a law for the development of American resources. That law stated that the Presidents and Congresses could set aside certain portions of Federal lands for different purposes if they felt that there might be some economic development potential in these Federal lands. It was called the Pickett Act. So, in 1924, they decided to create what we now call the Alaska Naval Petroleum Reserve. Now, there is a reason they picked this part of Alaska, which is to the west of Prudhoe Bay, fronting on

the Arctic Ocean. Here is the scientific basis on which they picked the Alaska Naval Petroleum Reserve in 1924.

New England whaling ships, as they had gone after whales in the Arctic Ocean, noticed that there were some oil seeps. So, based on that scientific evidence, they set up the Alaska Naval Petroleum Reserve. They didn't have the benefit of modern seismic geology or of any satellite photography or of any of the 3–D seismic differentiation that we have today. Some New England whaling ships, as they went ashore to look for water and things of this sort, noticed some oil seeps.

Okay. Fast forward to 1960. Alaska becomes a State, and the Alaska congressional-senatorial delegations decided that we needed to preserve some of these Alaskan lands. Alaska had been a territory. Now Alaska becomes a State. So they passed an act in 1960 that created to the east of Prudhoe Bay an area that we now call ANWR. Now, of course, there was a little bit more science available in 1960. So, when they set up the Alaskan National Wildlife Reserve, they were searching for oil, and they had discovered in what we now call Prudhoe Bay a specific geologic formation that they thought had the potential to find some oil.

It turns out they found the largest oil field on the North American continent that has been discovered here today, and so they wanted to set up a wildlife reserve. They already had the petroleum reserve to the west of Prudhoe Bay, so they decided they needed a wildlife reserve, and they set up what we call ANWR, but they had done enough scientific exploration that they knew there was an area that might have a lot of oil and/or gas. It was called section 1102.

So, when they created this reserve for wildlife, they put a section in the law that said, in this area, we want to really do some exploration activity to see if there might be something that could be developed commercially. Lo and behold, when they did that exploration activity of the discovery well, which was, I believe, drilled by Texaco, which is yet to be made public—it's proprietary information—there is enough that is known, we think, of that one area, of this one little section that is 3 square miles, that there could be 11 billion barrels of oil.

Now, as to the Alaska Naval Petroleum Reserve to the west of Prudhoe Bay, Speaker PELOSI and her Democratic friends have said we can drill over there; we can drill over there, but in the area that's now called ANWR to the east of Prudhoe Bay, you can't drill over there; you can't drill over there. There's no ecological difference. There's no environmental difference. There's really no wildlife habitat difference.

Just by happenstance, in the 1920s, we set up the petroleum reserve because whaling ships had seen oil seeps. In the 1950s and early 1960s when we created ANWR, as we were creating the wildlife reserve, we did carve out this section 1102 because we thought that might have some potential, and it appears it has huge potential, but today, we can't drill there because of moratoria that have been put in place in the last 30 years.

Now the question is: If we can only drill one well in America next year, where would it be? Would you drill down in Congressman CARTER's district in Texas? in Mr. LATTA's district in Ohio? in Mr. BROUN's district in Georgia? in my district in Texas?

Mr. CARTER and I represent a State in which we've drilled 2 million wells since 1895, 2 million. The probability of finding an 11 billion-barrel oil field in Texas by drilling one more well is one in 2 million. That's not very good odds. The probability of finding a major oil field in Ohio where they've drilled several hundred thousand wells is a little bit better. It's still not great. The probability of finding a major oil field in Georgia by drilling one well next year—I don't know how many wells have been drilled in Georgia. It's probably several thousand—is not too great.

If you drill one well in ANWR, you've got an almost 100 percent chance of finding a well that will produce tens of thousands of barrels a day, millions of barrels a year, billions of barrels over the life of the field, but we can't do it because, in the 1920s, we said the petroleum reserve is to the west of Prudhoe Bay. In the 1960s, we said the wildlife reserve is to the east. Even in section 1102, we put a moratorium in place.

Now the question to Mr. LATTA and to the Members of the House: Is it radical to say let's drill up in ANWR? Let's see. I don't think that's radical. Is it radical to drill in the eastern Gulf of Mexico, which even the Democrats are beginning to think might make some sense? Is it radical to see what's off the Atlantic coast? Do you know how much exploration, how much seismic, how much geologic exploration we're doing off the Atlantic coast? Nada. Zero. None.

The Canadians are producing north of Maine. The Cubans are trying, and the Chinese are looking to produce south of Florida, but we've put the entire Atlantic coast off limits. Is it radical to at least see what's out there? I don't think that's radical.

Is it radical to try to develop our 2 trillion oil shale reserves, the 2 trillion barrels in Wyoming and in Colorado and in Utah? I don't think so.

So, Mr. LATTA, if I were the Speaker, which I'm not, instead of these political flimflams that we've had now for the last year, here is what I would do—and I ask my colleagues: Is this a radical proposal?

I would pick a group of Republicans and Democrats who are respected in both parties. Let them put together a bipartisan proposal. Then on the proposals that cause the most angst in the liberal left of the Democratic Caucus, pick a conservative Democrat and a pro-energy Republican, and let them offer an amendment to the base package. Bring it to the floor. You don't have to bring the Republican bill to the floor. Bring this bipartisan bill with some amendments where we're not sure of the outcome, and let the House vote.

Now, in prior Democratic-controlled Congresses, that's basically why the energy packages were put together. They weren't put together by the Speaker's aides in a back room with no hearings and with no process. It was put together. It was bipartisan. It would come to the floor with amendments.

When we elect the Speaker for this body, the majority of the House—which right now is Democrat—elects that Speaker. It's what we did with Newt Gingrich. It's what we did with Denny Hastert when the Republicans were the majority. It's what the Democrats have done with the distinguished lady from San Francisco, Ms. PELOSI.

That Speaker has an obligation to, in this case, her party, the Democrats, but the Speaker also has an obligation to the American people. The Constitution and the rules of the House do not say that, once you get to be Speaker, you can only let bills come to the floor of which you know the outcome and that fit the political profile of the majority within your caucus.

Let's let there be a real debate on the floor in the next 3 weeks. Let's let there be real amendments. Let's see where the votes are. Now, my guess is the American people are smarter than the Speaker and the Speaker's staff. They want a commonsense, comprehensive energy policy that develops American-made energy for American use in the United States.

We'll win those votes, I believe—''we'' being the American people—if we get them. If we don't, as Leader BOEHNER has said, the Republicans are not going to accept a facade. We want the real deal. We want the real policies debated and voted on on this floor before we break for the elections in November. If we do that, Mr. LATTA, the American people will win. Over time, energy prices will come down, and our economy will continue to grow.

I'm glad to participate in this Special Order. I appreciate the time. With that, I would yield back to you.

Mr. LATTA. I appreciate the distinguished gentleman from Texas and all of his hard work through all of these years on this energy debate because, as he mentioned, this country's future is at stake. Our standing in the world is at stake. It's not time to wait to get something done down the road. We have to do it right now.

At this time, I would like to recognize my good friend from Georgia (Mr. BROUN). I appreciate all of his work that he has done over the last year on trying to get an energy policy in this country. I appreciate it.

The mike is yours. Thank you.

□ 2015

Mr. BROUN of Georgia. Thank you, Mr. LATTA, for yielding.

I appreciate this opportunity to come and speak today on this issue that is so drastically important to the American people. Everybody, rich and poor, black and white, all races, all nationalities, everybody in America is suffering from the high cost of energy.

When we voted on the morning of August 1 to go home for a 5-week break, that afternoon I was part of the group of Republicans here on the floor demanding, demanding that we go back in session to find some commonsense solutions to the high cost of gasoline at everybody's gas pump. Everybody in this Nation, even if you don't have a car, if you drive a bicycle or a motorcycle or a scooter, is suffering from the consequences of the high cost of energy. When you go to the grocery store and try to buy bread, milk, eggs, bacon, the cost of those goods in your grocery store are going to continue to go up because of the high cost of energy.

We hear from the controlling party, the Democrats, from Speaker PELOSI—now, there are some on the other side that would like to have a vote, that would like to see the energy costs come down. Many of our friends on the Democratic side of the aisle would vote for a comprehensive energy plan that would literally lower the cost of gasoline, would lower the cost of heating oil, would lower the cost of all energy sources here in America. But they can't have that opportunity to vote on a comprehensive plan. We can't have an opportunity to vote on a comprehensive plan. Why is that so? Frankly, if the American Energy Act would come to this floor for a vote, I think it would pass overwhelmingly. But Speaker PELOSI and STENY HOYER, the majority leader, won't let that act come here, to have an up-and-down vote, to have an open discussion, a frank debate about all the issues within that act.

Now, what does the act do? The act taps into our own American energy sources, taps into our own energy sources. Doing so is absolutely critical. We have to stop this dependence upon Middle Eastern oil. We are funding governments who hate America, who want to destroy us, and they are in turn funding al Qaeda, the insurgency in Iraq, the insurgency in Afghanistan. They're funding people who are in our country today who want to attack the very fiber of our Nation. We have to stop that dependency upon foreign oil, whether it's Middle Eastern oil, Venezuelan oil, North African oil, or anywhere else. We have to tap into our own natural resources. America is the only nation in the world, the only nation in the world, that won't develop its own natural resources.

I became a political activist coming to Washington. I was practicing medicine in rural South Georgia, coming here to this Nation's capital to lobby as a volunteer about hunters' rights and gun owners' rights and conservation issues. I'm a scientist. I'm a medical doctor. And I believe that all of our policy ought to be based on science. Not on emotionalism, not on what the name of something is, but on science. And I believe very strongly that we have to be good stewards of God's creation. We're charged biblically to do so. We have to be good stewards of our environment. And I'm a conservationist, a very ardent conservationist. We can tap into our own natural resources. We can develop those God-given resources, what we call fossil fuel, air through wind as it moves around our country, through the sun, through solar resources. We can tap into those resources. But we are denied a vote on an act that would do everything. We call it the ''all-of-the-above plan.''

We hear our colleagues on the Democratic side, the controlling party, say, well, let the oil companies drill. They already have leases. They can't drill. Why is that? My friends, my colleagues, American people, oil companies can't drill because of endless lawsuits by the radical environmentalists. Any bill that's presented has to include some mechanism to stop the endless lawsuits by these radical environmentalists that don't want any drilling. They don't want us to develop any of our natural resources. They don't want us to do anything. I think they want us to live in a cave or in a tree. Come to think of it, they don't want us to live in the trees because they think that destroying the forests would be adverse to their philosophy. So I think they want us to live in a cave. I guess we'd have to go and pick up sticks to make a fire and cook our food. A lot of them don't want us to even go out and harvest some of the bountiful animals that we have in those forests that I enjoy eating as a hunter and as a fisherman. But the leadership of the Democratic Party is listening to those radical environmentalists, and they closed down this Congress on August 1 at 11:23 in the morning when many of us wanted to just come to this floor, as is our right, as is our privilege, to talk about energy.

That afternoon I was here as part of that group, as I have already mentioned, demanding the ability to bring the American Energy Act to the floor for an up-and-down vote, to have a debate, an open debate, with amendments, to allow everybody to put their two cents worth in, to talk about their philosophy, to offer their suggestions, to find some commonsense solutions to our energy dependence on foreign sources.

It's a national security issue for us to be dependent upon those nations who want to destroy America. It's an economic issue because our dependency upon them makes us subservient to them.

The high cost of energy is raising the cost of health care in my business. It's raising the cost of groceries in the grocery store. It's raising the cost of every single good and service in this Nation.

I as well as many others came during the August break to this floor to try to do the people's work, to demand a vote on a commonsense solution to this energy crisis we have in America. Right now today America is drilling for ice on Mars; yet we cannot drill for oil in America. It's insane. We have to change that. We have to tap into our oil and gas resources offshore and in ANWR.

I have already mentioned that I hunt. I have been on the North Slope of the Brooks Range. I've been out flying over the Arctic National Wildlife Refuge, ANWR. I've seen the caribou herds that we keep hearing about from the Democratic majority that would be harmed. That's hogwash. They didn't want the pipeline. I have flown over the pipeline. I've camped out by the pipeline. I've seen the caribou herds in Alaska blossom and reproduce and get more numerous because of the pipeline. I've seen pictures of grizzly bear walking down the pipeline. It's actually helped the wildlife.

We have the technology today where we can tap into those oil resources in ANWR, offshore, all over this Nation, and can do it in an environmentally responsible way, as we must, as I want to see happen, as a lot of my Democratic colleagues would like to see happen. But we cannot get a vote.

I have got a picture here. One of the Democratic folks told us the Democrats' energy plan was to ''drive small cars and wait for the wind.'' I don't think most of us want to drive around in small cars waiting for the wind. We don't have to. We can lower the cost of gasoline. We have to tap into our own natural resources to be able to do so. We can stop our dependence on Middle Eastern oil by voting into law the American energy plan. We can make America secure by voting for the American energy plan.

Whom is Ms. PELOSI listening to? She's from San Francisco. She thinks those radical environmentalists out there are normal people.

But the American people know different. The American people know and want an energy plan that makes sense to lower their cost of gas at the pumps. But we need more than that. It's September. People are starting to buy their home heating oil. Poor people, retirees on fixed incomes are going to have to pay a lot more money for their home heating oil. Many are not going to be able to afford to buy their supplies for the winter. The people that we hear from the Democratic majority that they want to represent the most, the poor people and the elderly of this Nation, are going to be radically affected and harmed because Ms. PELOSI and Mr. HOYER, the Democratic leadership, will not allow a vote on the American Energy Act.

I represent the 10th Congressional District in Georgia, northeast Georgia. One of the cities in my district is Athens, where the University of Georgia is. I'm a proud Bulldog. Go Dawgs. Our

head football coach, Mark Richt, has a three-word phrase he uses to energize the football team: ''Finish the drill.'' As a congressman, I have got a three-word phrase to energize America: ''Start the drill.'' We have to start the drill. We have to tap into our own natural resources and develop America's resources. We have to develop alternative sources of energy. That's absolutely critical because we have a dwindling supply of oil and eventually it's going to run out. We have to develop the wind and solar energy that my Democratic friends just keep talking about. T. Boone Pickens says that's half the answer. That's hogwash also. It's only a small part of the answer. It's less than 10 percent. But we have to develop wind and solar. The American Energy Act does that.

Just south of my district, just south of Augusta, Georgia, the Georgia Power Company is trying to put in two nuclear reactors, and they have been doing that for decades. But because of the radical environmentalists and governmental regulations and endless lawsuits, they can't build the two nuclear reactors to add to the two that are already there. We have the technology to make nuclear energy safe. Nuclear energy is the only thing that makes environmental sense and economic sense to develop electric energy in this Nation. We have to develop nuclear energy.

□ 2030

We have to develop hydrogen. We have to develop new batteries. We have to conserve. And I am a conservationist. Conservation has to be a part of the answer. We have to do it all. Well, guess what, American public? The Republican's American energy act does all of that. We must have a vote.

So, Republicans, on the afternoon that we were forced to go home on this 5-week break, Republicans have been coming here every single day since that day, since August 1, to try to get our Democratic colleagues to come back here and do America's work, the American peoples' work, to vote on a comprehensive energy act bill that would do all of the above: Would tap into America's bountiful natural resources, that would develop nuclear energy, would develop alternative sources of energy, would develop conservation issues, would stimulate the innovativeness of the American public to develop new sources of energy. There may be a source of energy we have never dreamed of.

We have to do all of those things. The American energy act will do just that. We can't have the Democratic energy plan of driving small cars and waiting for the wind. We have got to lower the cost of gas at the pump. We have got to lower the cost of home heating oil.

Republicans are here fighting for the poor people. We are here fighting for the elderly on limited incomes. The Democratic leadership are just doing what my son calls ''dissing'' them. The leader on the Democratic side, Speaker PELOSI is dissing poor people, dissing the elderly, those who are hurt most by us not having the vote.

So I come here tonight with my colleagues, and I applaud Mr. LATTA and Mr. BURTON and Mr. BARTON and Judge Carter for coming here tonight to bring forth to the American people the idea that Republicans are here for the American people. We are here trying to find those solutions. We have been here through the whole August break, inviting our Democratic colleagues to come back and do the peoples' work, the poor peoples' work, the elderly's work, everybody's work, to lower the cost of energy.

And so I just call upon my Democratic colleagues, particularly those many over here on the Democratic side who would like to have a vote, please ask your leadership to bring the American energy act to the floor for a vote with an open rule so that we can have all the amendments that you want to put in, all the amendments that our folks want to put in, have an open debate, but let's do the American peoples' job in the peoples' House. Let's do the peoples' work to find some solutions to this energy crisis that is an economic crisis and a national security crisis for America. So I call upon my Democratic colleagues to get your leadership to allow us to have a vote on the American energy act.

I thank Mr. LATTA for the opportunity to come here and discuss this, and I applaud your efforts, I applaud my other colleagues' efforts, and I thank you for this opportunity. Maybe the American people will listen.

When I was here in the dimly lit House with no microphones, no cameras—different from tonight—and we had the tourists sitting here on the floor of the House, I asked them to go home and not just enjoy being in this historic moment sitting on the floor of the House of Representatives but to go home to contact their Member of Congress and demand a vote on the American energy act.

Former U.S. Senator Everett Dirksen one time said, when he feels the heat, he sees the light. What he was saying is when his constituents in his State start contacting him through calls and letters, that he would start feeling the heat. We need the American public all over this country to start putting heat on their U.S. Senators and their Members of the U.S. House by calling, writing, e-mailing, visiting district offices, visiting Washington offices, and demanding a vote on a comprehensive energy package that would lower their costs of energy, whether it's gasoline, home heating oil, electricity. That is what the American energy plan is all about, is to lower our energy costs.

So I applaud your efforts tonight, sir, my friend, and dear colleague, and I ask the American public to get busy to apply the heat to your Member of Congress. Write them, call them, e-mail them, and demand a vote on the American energy act so we can have an up-or-down vote, open debate to lower your cost of energy, lower your cost of gasoline, lower your cost of groceries, lower your cost of health care, lower your cost of every good and service that you have to buy to make America secure. Energy secure.

I thank you, sir, for your leadership. I applaud you, and I thank you for this opportunity to come back today.

Mr. LATTA. I appreciate your willingness to be with us tonight, your hard work, your dedication to be back here during the August break and make sure we get that word out to the American people that we had to be here, not on break, but be here on this floor and make sure that we get an energy plan, especially all-of-the-above. We are talking about everything from nuclear to clean coal technology to hydroelectric to drilling for oil and natural gas and all the alternatives.

At this time, I'd like to recognize the gentleman from Indiana for I believe he said a few minutes. I appreciate your time.

Mr. BURTON of Indiana. I see my other colleague who's here. I hope I am not jumping in front of you. If I am, I will pledge to you I am going to talk a very short period of time so you can get to the mike and express your views.

My brother, Congressman LATTA, is a State representative in Indiana, Woody Burton, and he called me the other day and he gave me some startling facts. I think the American people would be interested in hearing these things he told me because I'm sure it's happening all over the country.

He said that sales tax in Indiana is down by 28 percent, which means simply that people are buying so much less because they are spending their money on gasoline and getting to and from work and on buying products that they have to have to survive. Food. Milk in Indiana had gone from about $2 a gallon, up over $3, and they are making packages of food that are close to the same price but they contain less of the commodity. And so sales tax is down in Indiana by 28 percent.

But just to let you know how much the people are spending on gasoline, gas sales tax is up 24 percent. So you see a direct correlation between the amount of money people are spending on products that help the economy and the amount of money that they are spending on gasoline to get to and from work and do what they have to do.

My colleague from Georgia just made a very eloquent statement on why we need to deal with this energy crisis now. I won't belabor the point by going into it again, except to say that about 75 or 80 percent of the American people, depending on which poll you look at, say: Drill here, drill now, just like T. Boone Pickens says. They don't want to see $700 billion going overseas when we can keep that money at home and create hundreds of thousands of jobs which, again, would be a big help to the economy.

I just want to say we really need an energy bill, we need it right away, and

if the American people are paying attention, I hope that they will, Mr. LATTA, take this opportunity to contact their Congressman and Senators because when the pressure is put on them, then they do respond.

I talked to one of my Democratic colleagues today. He is a cosponsor of a bill that I am sponsoring with him and about 20 other Members of the House, both Democrats and Republicans, which is a bipartisan energy bill. And he said their caucus today was entirely about the energy issue, and he told me he was confident that we would have an opportunity to debate and vote on an energy bill in the next 2 or 3 weeks, which is the end of the session.

I hope he is correct, and I hope if we do have an energy bill, it's a real energy bill and not some kind of a facade. If we get a facade here, I hope we at least have some amendments that we can vote on, which would make it a real energy bill, and that means we'd have to have an open rule.

So let me just say to Mr. LATTA one more time, thank you for doing this. I know it takes away from things you would like to be doing elsewhere, but you come down here on the floor of the House, along with a few of our colleagues, to talk about how important this issue is. And I applaud you for that.

Mr. LATTA. I appreciate the gentleman's words from Indiana. When you were talking about what your brother had contacted you on in regards to the sales tax issue in Indiana, I know it strikes close to home because it wasn't too long ago that we were looking at our charge card statement for the month and I said to my wife, What did we buy this month? I started looking down the list. It was gasoline, gasoline, gasoline, and mostly my fault because I am out in my district, it's a larger district, and when you're filling up 3 or 4 times a week, you put in a lot of gasoline. It's really cutting into our Americans' pocketbook.

At this time I'd like to recognize the distinguished jurist and the distinguished gentleman from Texas. I know that you have had a lot of discussions with your constituents, especially I know the one that you told us about the long hauler from Texas that took that load to California. I know I have given that example to many people across my district over the last couple of months after I heard it from you.

At this time, I'd like to yield to the gentleman from Texas.

Mr. CARTER. I thank my friend Mr. LATTA for yielding to me. Let me say that when the uprising started, I was one of the 10 that began the uprising. I was the fourth person to speak that day. In fact, I got to speak just after the microphones were turned off, just before the lights were turned down. And I'm very proud of the fact that the Republicans stayed in Washington and demanded that the voice be heard of the American people on the issue of energy.

And what we were really saying, we were calling for the Speaker to, Come back, come back, call the House back, let's work together, because we are in an energy crisis. Let's reason this out and come up with solutions that we can all live with that will allow us to prosper in this country. I think that is what this is all about.

So I got to thinking today if you look at the pie chart—and Mr. KING from Iowa had a pie chart in here one day that showed what all our sources of energy are. I can't get the numbers exactly right. I can remember that the alternative energy today, that is wind, solar, and biofuels, is about 2¼ percent of our energy use in America. Right now. That is things we are looking at in the future and that is part of what the American energy act promotes, is research, development and working on those issues. But today it's about 2 percent.

And then the other sources of energy are gasoline and diesel to power our vehicles; natural gas, which we burn in industry and our homes; coal, which we burn in industry and our homes; oil, which we burn in industry and our homes, and a small portion we still use of hydroelectric power, which was one of the original sources of energy in colonial America.

And so what the proposal seems to be and the debate seems to be between our colleagues on the other side of the aisle, the Democrats who are in charge of this Congress and have the power to make things happen in this Congress, I think that it's that debate we are talking about. It's those fuel sources that we are talking about. And nuclear energy, which make up right now I think it's around 18 percent of our power, but don't hold me to the numbers. But that whole chart makes 100 percent. But I do remember alternatives that today are a little over 2 percent.

The proposal we seem to be hearing is there's some things that now are bad. These are bad resources, even though the rest of the world, when they find natural gas off the coast of Brazil, they celebrate. When they drill a well off of—my wife is from Holland, and back in the sixties when they drilled a well in northern Holland and found this huge source of natural gas, they celebrated.

□ 2045

When people in Venezuela drill wells and find oil and natural gas, they celebrate, and yet we are ashamed of those resources.

Those resources are evil now, so we are basically starting to have a policy being proposed that says that there are some things that are just off limits for power right now because they are bad, and even though we don't have sense enough to know they are bad, we are going to get taught by the government that these are bad. And those things, by the way, most of them have to do with hydrocarbons, but we will start off with the one that doesn't, nuclear energy.

Now, we have heard arguments here tonight and examples were given here tonight of what other nations are doing in the way of nuclear energy. An example was given that the Chinese have on their drawing boards I believe it was 42 nuclear plants they are planning on building. And we are not planning to build, I don't think, any. Maybe there are a couple that are on the drawing board someplace, but we haven't built one in decades. Nuclear energy, our colleagues don't seem to want to open up nuclear energy, so it is sort of off limits.

Now we get off into the really evil stuff. Coal, terrible. You can't use coal. Oil, horrible. Horrible. As Speaker PELOSI said, we have got to wean ourselves off of hydrocarbons. And she said the solution is natural gas. I am sorry, but that is a hydrocarbon too. But still, let's throw natural gas in there.

Now, between coal, oil and natural gas, they probably make up about 75 or 80 percent of the fuel sources for industry and for transportation in America today. If those are off the table, let's just call it a small number, 60 percent, if 60 percent of what we are today using for power is off the table, then we have to replace it with something.

The proposals are solar, wind, biofuels, and new ideas we are going to come up with, like batteries and a lot of stuff, all of which is good and is in the American Energy Act. But today and tomorrow, and in fact for probably about 10 years, these things are not anywhere near the size and capacity to come even close to covering 60 percent of the power in this country.

So we are going to replace these oil, natural gas and coal resources with those power sources overnight, and we don't expect to stop right now on those things and not see prices go through the roof because of a supply shortage?

So what are we going to do for that supply shortage? Well, what we have been doing. We are going to buy from foreign countries, who are happy to have those products and happy to sell those products. But wait a minute. We just saw a comparison of the streets of Dubai. We don't have anything against Dubai. They are good friends of ours. But the change in that country between 1976 and today is like watching a miracle in the development of that country because of their intelligent use of the money that we are buying oil from them with and the rest of the world is.

So as we look down the pike, the corridors of time, if we make all these things off limits, then where are we going to go, except to foreign countries? And what we are talking about as part of our energy crisis is our dependence on foreign countries, whether they are friends or whether they be enemies.

So I think the average American back home in my district, when I talk to them, they all get it. They know that tomorrow, all this year for sure, and probably for at least the next 8 or

10 years, when they get up in the morning to go to work they are going to start a vehicle that is probably going to run on oil, an oil product or a natural gas product, gasoline or diesel. To say that we are going to keep this dependence going is insane in their opinion, and they want to know why we can't go after our own resources.

So why don't we put some things back on the table? Let's put American oil and gas back on the table by going to find it where we know that it is. Let's don't drill where it is not. If you want to lease property that has no oil and gas on it to drill on, you are welcome to lease my place. It is 2 acres right outside of Round Rock, and I guarantee you, you can put a drilling rig on it and it won't produce one drop of oil. But if you like drilling on places where there is no oil, I volunteer mine, and I will take the lease money. But that is ridiculous.

So when we hear proposals, why don't you drill where you have already got leases or where we have already offered leases, and our research tells us there are little or no resources there, why would we place millions and billions of dollars worth of drilling rigs on those sites to lose money? Why would anybody do that? So that doesn't make sense.

So let's go back. Let's start with the hard one, coal. But, you know what? We are learning very quickly how to clean up coal. We are learning how to liquefy coal and find new uses for coal. We are abundantly wealthy with coal. We shouldn't just put that off the table. And I am not from a big coal State, although question have got some coal. But the facts are we can't shove that resource off the table completely.

Oil, we know, as has been explained by Chairman BARTON and others, there are at least 10 billion barrels of oil in the Arctic, up in ANWR, in an area which we intentionally set aside. There is abundant oil and gas resources off all the coasts of America.

Chairman BARTON pointed out the reason they started looking at Alaska is because some whalers saw some oil seepage. Do you know that a place where there is oil seepage to this day is off the coast of California. In fact, those tar pits, that is just really, really thick crude at the top of the ground. But that is off limits.

Let's start being reasonable, taking care of the environment and drilling for these resources, producing them and putting them on the table. I for one am 100 percent in favor of Boone Pickens' proposal that we put natural gas in certain vehicles. It works. But he tells you 20 percent is the solution.

I think wind is a great idea, and it works. But it has got to be boosted to transport, and so we have to work on that. And still, with all the windmills we have got in production right now, we couldn't power Austin, Texas, for 2 days.

So, in order to meet our power needs, we have to be intelligent about what we are doing. As we reason with our colleagues on the other side of the aisle, let's look at this picture and say reality says today, tomorrow and at least the next 10 to 20 years, we have to deal with what we have got. We can't hope that miraculously 2 percent of the power generated in America will instantly become 60 percent, just because we wish it to be.

I once asked a physicist from Austin, Texas, how big the solar panel would have to be to power Austin, Texas, for a day on the best day, that being a day in the spring when we don't need air conditioning and we don't need heat, and he said the size of the Texas panhandle. The size of the Texas panhandle is bigger than quite a few of the States in this country. So solar has its means, we will find a way for it, but today it is not going to even power Austin, Texas.

So as we look at this comprehensive energy that we have got to look at, if we are trying to reduce our dependence on foreign oil, let's wisely use the resources we have. Let's protect our environment as we do this. Let's make these burns and new scientific methods. For instance, you can burn things in pure oxygen and have no air emissions. You can capture carbon dioxide and use it to replenish oil fields, to bring more oil to the surface. We can do a lot with science and technology available and all those things on the table to be learned.

The bill that the Republicans are putting forward calls for us to wisely use all available resources, researching and developing the new ideas, offering incentives for more new ideas, offering incentives for conserving energy and all the things we need and want to do to make this country competitive, so that Indianapolis, Indiana, will look like Dubai some day, and not like Dubai in 1976, as was described earlier in a presentation here. Our infrastructure needs resources. We need to start taking care of America.

By the way, these lost jobs that people move overseas, did you ever think the high cost of energy might have something to do with that too?

So let's start thinking about ourselves and let's reason this out together. We have 3 weeks to do it. Time is running out. Our friends are back from their vacations, our Democratic friends are back from their vacations. Let's put our heads together. Let's don't give us an energy policy that comes from one person from San Francisco. Give us a policy that we work out in a bipartisan fashion, and I believe we can do it in the next 3 weeks.

Thank you for allowing me to speak.

Mr. LATTA. I appreciate the gentleman's words from Texas.

At this time I would like to introduce the gentlewoman from North Carolina (Ms. FOXX), who has been a leader on this energy issue here on the House, in her 1 minutes and 5 minutes and her many, many speeches and special orders. I yield to her at this time.

Ms. FOXX. I want to thank my colleague from Ohio who has been leading this Special Order tonight for giving me this opportunity. I hope to have a chart tomorrow that is going to show this better, but I am going to describe very briefly something that I think we need to be talking about.

I am encouraged by the Speaker saying that we are going to have a vote on an energy plan. I am concerned that it is not going to be the vote on the American Energy Act. We need a straight up or down vote I think on increasing American-made energy.

I have said over and over again on the floor, I am pro-American made energy and I think that is what we need to be doing. I was very proud to be here during August when the seats were filled with citizens who were here visiting. There was no mike, there was no C–SPAN, there were no lights on, but we had a great time talking to the American people and I think it showed our Republic at work. People took action, contacted their Members and said we need to do something about it.

But recently we have heard about how the unemployment rate has gone up, and our colleague from Texas, Judge Carter, talked about jobs going overseas. I think we also have seen that as the gas prices have gone up, we have also seen unemployment go up. Again, while I don't have a chart, I am going to make do with the chart that I have here.

When the Democrats took over in 2007, we had an unemployment rate of 4.5 percent, one of the lowest in the history of this county. We had 54 straight months of job increases. What happened? By 11–07, the unemployment rate had gone up, which was about right here, as gas prices started going up. When gas prices got to here, the unemployment rate had gone up to 5 percent. Gas prices in May were up to $3.84 and the unemployment rate went above 5 percent. The unemployment rate is now at 6 percent, and that is where gas prices went, there.

I agree with Judge Carter. We need to look at why jobs are going overseas, and in large part it is because of the gas prices. The American people simply don't understand why the Democrats are so anti-American energy. If we will drill in ANWR, if we will drill off the coast, we can bring down the price of gasoline in this country. We can bring down the price of home heating oil, which is going to be hurting everybody in this country in the very next few days, because it is hurting them.

I yield back to my colleague who began this so he can close the evening.

Mr. LATTA. I appreciate the gentlewoman from North Carolina's words. I appreciate her work. I also would like to thank the Speaker for this evening's Special Order.

□ 2100

BLUE DOGS

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROSS. Mr. Speaker, we have heard a lot of talk, a lot of rhetoric about energy. We have heard a lot of partisan talk about energy.

You know, Congress has never been in session in August, in recent memory. It is a traditional district work period. And all the Republicans that complained about Congress adjourning for August, as it does each August, if the truth be known, if you were to look at their schedule, they had public events scheduled throughout their district in August. Why? Because they knew that Congress is traditionally not in session in August.

And, quite frankly, Mr. Speaker, if we had stayed on the floor the whole month of August, we would be hearing a lot of the stuff we are hearing tonight. We would be hearing all this partisan bickering about energy. But instead, all 435 Members of Congress went back home to their respective districts during the month of August. And if you listen to the national press, it sounds like we were all laid up on the beach somewhere for 5 weeks.

The fact is, most Members of Congress on both sides of the aisle did what I did; I began the break by making a trip to Iraq to visit the 3,000 members of the Arkansas National Guard. Regardless of how we feel about what is going on in Iraq and what we should or should not be doing, it is important, not as Democrats and Republicans, but as Americans, that we remain united in support of our men and women in uniform.

So I made the trip to Iraq to visit the 3,000 members of the Arkansas National Guard. It is their second deployment in 33 months. They have gone above and beyond what has been asked of them. When that National Guard recruiter showed up, they said, ''Sign here, son, and the most you will be out of the country is once every 5 years.'' This is the Arkansas National Guard 39th Brigade's second deployment in 33 months. And I felt like the least I could do is make the trip to Iraq, let them know we support them, thank them for their service, and to make sure that some of the $16 million an hour of your tax money that is going to Iraq is being spent on the equipment and supplies that they need.

Then I came home to Arkansas, and during the month of August I visited something like 40 towns across my district. Most Members of Congress did the same thing during August; they were visiting their constituents. And if they did, I am sure, like me, they got an earful about the high price of gasoline. And I can assure you, Mr. Speaker, Members of Congress going home to their districts and getting an earful on high gasoline prices will go a lot further toward getting a commonsense energy bill passed on the floor of the United States House of Representatives than having all of us sit here and fight and bicker and act like a bunch of school-aged kids for a month.

And because we were home in our districts in August and because we did get an earful, I predict that we will see a commonsense energy bill passed on the floor of the House this month. The question is whether the Republicans really want to pass an energy bill, or whether they just want to try and blame the Democrats. The irony of this is they have been in control of this for the last 6 years of the White House, House, and Senate. And during that time, of course, I don't have to tell anyone what has happened with the price of gasoline.

So this month, I predict, on the floor of the House the Republican Members of this body will have an opportunity to help pass a bipartisan, commonsense energy bill. The question is, will they do that, or will they not do it and try to continue to use this issue and the American people as a political football?

I can tell you that people in my district, they work hard, they get up, they go to work, they work hard for a living, and many of them live in rural areas and they travel great distances to and from work and they are sick and tired of being a political football. They don't see this as a Democrat or a Republican energy crisis. They see it, as I do, as an American energy crisis.

Here is what I do know. When I was born in 1961, our Nation was 19 percent dependent on foreign oil. By the time I graduated from high school in 1979, we were 45 percent dependent on foreign oil. We are now approaching 70 percent dependency on foreign oil.

Mr. Speaker, when we go to the gas pump and when we tank up, we are indirectly putting money in the hands of the terrorists who want to harm us. That does not make any sense at all.

Here is what else I know. There is going to be 100 million new cars on the road in the next 8 years. 100 million new cars on the road in the next 8 years; not here; in China and India. And I don't care who tells you what, no President, no Member of Congress can change the expansion of the middle class in China and India or anywhere else in the world.

The second thing that I want to point out is 3 weeks ago Kurdish rebels went into Turkey and blew up an oil pipeline, halfway around the world, and yet the next day in South Arkansas we were paying more per gallon of gasoline. No President, no Member of Congress can do anything about that.

We can't change world demand and world circumstances, but I will tell you what we can change. We can change our domestic supply here at home. And that is why a number of us that are Democrats believe that we have got to drill here at home.

The Republicans say, drill and your problems are solved. Not so. The fact is, that because demand is going to continue to increase, if we do all the alternatives and renewables that are in the science lab today and bring them to the marketplace, our oil needs will still be just as great in 20 years as they are today because the demand is going to continue to increase.

So some say drill and your problems are solved. They are not leveling with you. Others say do alternative renewable fuels and your problems are solved. They are not leveling with you, either, Mr. Speaker. I contend it is going to take all of these things. And I have a plan to accomplish that. It is called the American-Made Energy Act, and here is how it works.

Number one, to get us the oil we need short term we drill here at home in ANWR, the Arctic National Wildlife Refuge. It is real controversial with some, and I understand that. The truth is, there is 19 million acres in ANWR, and using new technology we only need 2,000 acres out of the 19 million to recover the oil we need. 19 million acres in ANWR at issue; the land area we need in order to drill and recover the oil that is there is 2,000 acres. Put it another way, one-sixth the size of the airport near Washington, D.C.

We need to drill off the coast. We need to drill where it makes sense, in the 48 continental United States, not using 1940 or 1950 technology, not even 1990 technology. My bill says that we will do it utilizing 21st century technology that can allow us to recover the oil we need and be good stewards of the environment all at the same time.

Here is what else it does. It generates $80 billion in lease and royalty payments to our government. $80 billion. When President Kennedy set out to put a man on the moon, in today's dollars it was a $90 billion investment, and we did a lot more than put a man on the moon. We grew a new generation of innovators in this country that went on to create many of the jobs and technologies that we enjoy today.

You contrast that with energy. Everybody is talking about alternative and renewable fuels, but the truth is we will spend more money in Iraq in the next 10 days than we will spend this year on research and development of new and exciting alternative and renewable forms of energy, and that is wrong.

I want to take the revenue from the lease and royalty payments, $80 billion, and I want to put every dime of it into making a President Kennedy ''let's go to the moon'' size investment in alternative and renewable fuels.

We can take automobiles that run on gas and run them on natural gas. We have a lot of natural gas in America. We have a plentiful supply of natural gas, and new areas are being found all the time. In Arkansas now we have got something called the Fayetteville Shale, and a lot of people who used to not have very much are now finding

themselves in the middle-class or even better. A lot of poor farmers, a lot of poor working families are now discovering some wealth because of the Fayetteville Shale, which is where they are recovering natural gas.

Now, not too long ago, they didn't know it existed. And then they knew it existed, but they didn't have the technology to recover it. And then they had the technology to recover it, but it was too costly. And then the price of natural gas went up, and, guess what. Now we are seeing this great explosion of this natural gas find in Arkansas known as the Fayetteville Shale. There is another one in Louisiana. They are both going to rival what is known as the Barnett Shale in Texas.

New and exciting technologies are allowing us to possibly move to natural gas powered cars. Biofuels, ethanol, cellulosic ethanol where we take the treetops and the tree limbs, add value to the land owner, and we can turn them into ethanol. The first ever cellulosic ethanol plant is being built right now in Georgia. The people building it I recently had on the panel when I hosted the first ever Arkansas Biofuels Conference at the University of Arkansas at Monticello, a forestry school located within my district.

Batteries, a lot of promise with batteries. Now, battery powered cars, plug-in electric cars probably won't make a lot of sense for those of us in rural areas. Last Thursday, I traveled 450 miles in my district. I represent about half of Arkansas. That is a lot of miles. Obviously, plug-in and battery powered doesn't make sense for a lot of folks that live in rural areas and drive 20 or even 50 miles each way to and from work. But you know what? For those folks in the urban areas, for those folks where we have a lot of people living, if we can transition them into battery and plug-in electric cars where they spend an hour getting 6 miles to work each day, that will reduce our Nation's need for oil and, therefore, it will reduce the price that we pay at the pump in areas where we will continue to have automobiles that run on gasoline, which comes from oil.

There is a lot of promise. Hydrogen fuel cell. I have test driven a hydrogen fuel cell car. It sounds like an electric golf cart, it runs like a regular car, and no pollution. And when you stop, if you take an empty cup and run to the tailpipe in time, it will pour you a half a cup of water that you can drink. This is not Star Wars stuff. This is not stuff that is even in the science lab anymore. These are ideas that are out of the science lab and ready for the marketplace. The problem is, we do not have an energy policy in this country that embraces them.

So that is what my plan does; it drills, it gives us the oil we need short term; it reduces the price we pay at the pump; it makes a President Kennedy ''let's go to the moon'' size investment in alternative and renewable fuels that can create hundreds of thousands of new jobs here at home.

Ironically, high gas prices helped get us in this economic recession, and having a President Kennedy ''let's go to the moon'' size investment in alternative and renewable energy, growing a new generation of energy innovators in this country can also help get us out of this recession. I call it my Common Sense Energy Plan for America's Future. And I am going to talk more about it a little bit later this evening, because we don't just address the high price of gasoline, we also address electricity. Because I can tell you, we have a gasoline and diesel crisis today, but we are going to have an electricity crisis as early as 2030, and it is going to be far greater and much worse than the gasoline crisis we have today, and my bill speaks to that. It is H.R. 5437, the American-Made Energy Act, and we are going to talk about it in more detail a little bit later this evening.

But at this time, I have got a number of Democrats that have joined me that are for new energy, they are for drilling, they are for alternatives, they are for renewables. They are for American-made energy. Again, this is not a Republican or a Democratic energy crisis, it is an American energy crisis, and we are here to say that we want to make a difference.

I am pleased at this time to introduce my good friend, my colleague from California, the Honorable JIM COSTA.

Mr. COSTA. I thank my dear friend, Congressman MIKE ROSS from Arkansas, for his leadership not only in the Congress but among our fellow Blue Dogs.

I rise this evening to speak on behalf of a comprehensive effort to really address America's energy needs.

We have certainly heard a lot of political posturing that has taken place over the last year about various types of energy proposals, and I think the sad fact is that the American public is not looking for a Democratic nor are they looking for a Republican-Democratic energy package; they are looking for an American energy package, one that addresses our near-term needs with the energy crisis that we are experiencing today, one that focuses on our interim challenges that we face, and one that focuses on the long term, over the next 20 years, because Americans realize that it has taken a number of decades to put us in the hole that we are in today, and that certainly overnight we can't a la Harry Potter wave a magic wand hoping that our energy challenges will simply be wished away. It simply is not possible, and the American public knows that.

□ 2115

What they do expect is their elected representatives, Democrats and Republicans, to come together, put partisan differences aside, and sit down and try to figure out how we reduce our dependency on foreign sources of energy, as Congressman ROSS mentioned a moment ago, reaching almost 70 percent now of the energy that we consume in America each year; almost 70 percent imported from foreign sources.

To put it another way, this year, Americans will transfer in excess of $750 billion. Let me repeat that. We will transfer in excess of $750 billion of American wealth to purchase our energy needs. Talk about digging a hole.

And where does that wealth go? It goes, in the form of petro dollars, in some cases, to sometimes friends of us, and then sometimes into the pockets of petro dictatorships which certainly wish us no good in the world of the geopolitics that we live in today.

We have certain countries in the Middle East that are playing both sides of the terrorist aisle. So, in that sense, we are really financing both sides of the war on terror. We're trying to, obviously, eliminate terror in our world, but yet we have countries in which we are purchasing our energy from who play both sides of the fence and use that, almost like the Mafia did in terms of protection money.

So, Americans want us to put together the kind of comprehensive energy policy that I think our Nation deserves, an Apollo-like program that really sets goals over the course of the next 10 years, short-term goals, interim goals, and long-term goals that will not just reduce our dependency on foreign sources of energy, but on fossil fuels, using all the new technologies that are out there that, in fact, will create more American jobs; that will create cleaner air, that can also be exported in terms of technologies around the world.

So is there such an effort going on? I'm pleased to tell you, tonight, yes, there is. There is such a bipartisan effort. It began back in early June with a group of Republicans and Democrats sitting together, one night a week, for 6 weeks, talking about what we thought was the art of the possible, the common sense that Americans expect us to use when we're here on the floor of the House and we're in committee. And as a result of that, we produced the National Conservation, Environmental and Energy Independence Act, introduced with 28 Democratic cosponsors and 28 Republican cosponsors on the day that we left session in July. Today we have over 120 cosponsors.

Now, this isn't a Blue Dog proposal. This isn't a Democratic proposal. This is not a Republican proposal. This is a bipartisan work product of like Members doing what Americans expect us to do, and that is, sit down and figure out solutions and compromises to some of the most difficult challenges we face as a Nation.

Now, what's this bill do? It's a simple bill. It's 34 pages long. It's three titles. The first title is offshore and onshore leasing and other energy provisions. It basically opens up the Outer Continental Shelf within 25 to 50 miles, giving States an opt-in provision, that could be modified in other ways, that we believe, over a course of the next 20

years, will develop $2.6 trillion. Conservative estimates. These are based upon what the Mineral and Management Services estimated the last time they surveyed Federal lands, both on and offshore. When they last surveyed lands on and offshore in the 1980s, using old technology, not the new technology that has 3–D seismology that we use today to determine carbon footprints of oil and natural gas, in those days, what they determined existed in the Gulf of Mexico today, as a result of literally hundreds of leases that have been let in the gulf, we have developed, in that time period of over 20 years, 3½ times more energy resources than was estimated to be there by Mineral and Management Services in the 1980s. Using those same conservative estimates we base this $2.6 trillion that would be realized as a result of opening up these Federal lands, both on the Outer Continental Shelf and on land.

Now, what would we do with this money? Well, we have the same royalty program that exists today, in which energy companies bid for leases that come up on a regular basis, and then, of course, these energy companies pay a lease, if they successfully bid on a parcel of leases; and then after they do their due diligence and determine if it's worth, in fact, drilling and utilizing the oil and the natural gas, then they pay a royalty. So we get monies three ways. We get monies when the energy companies first bid on the leases, then we get money when they lease the land that they have successfully bid on, and then, if they decide to determine to drill for oil or natural gas, we get the royalties. $2.6 trillion, we think, is the conservative estimate.

Where would we spend that money. We'd put 30 percent of it in the general fund. That would, over the time period, amount to $780 billion. For States that decided to participate they would receive an equal 30 percent or $780 billion. How many of our States could use that money to invest in the infrastructure? That $780 billion could be so helpful in dealing with our national debt.

We would also put 8 percent for the conservation reserve. We'd also put 10 percent for an environmental restoration reserve account. We'd put 15 percent for renewable energy reserves.

We all want to get off of our addition to fossil fuel. Even the President here said that in his State of the Union speech. But we can't wish our way from fossil fuel. We have to be able to finance the renewable fuels. This would do that.

It also would provide 5 percent for carbon capture sequestration and to regenerate nuclear waste. We shouldn't be storing it at Yucca Mountain. We ought to be regenerating it like other countries do. There is energy in that waste, and it could be utilized on those plants.

And, also, we need to look at conservation. We need to apply energy standards in residential and commercial buildings that is low-hanging fruit, and provide also support for low income home energy assistance programs for those people who are on fixed incomes, those who are working poor, those who most need the support for to conservation. That's the first title.

The second title would provide funding for cleaner energy production and energy conservation incentives. In other words, we would provide continuation of tax credits for existing renewables, for solar, for wind, for the cellulosic fuels, for the new technologies, like, that we think will be so important in creating the new American industries of jobs and energy; and to include bio diesel and other renewable fuels that include the hybrid vehicles that our colleague, Congressman ROSS, spoke of that he and I and others have actually had the opportunity to drive.

This is what we ought to do. This is taking existing innovative efforts in renewables and funding them, financing them, because that's how you get there from here. This is the interim strategy.

The third title of the bill is a portion of the bill that I am going to let my colleague and good friend, Congressman NICK LAMPSON discuss, because it's an important part that deals with the near-term issues. It involves the Strategic Petroleum Reserve, and it dedicates some of those revenues and the conservation to energy research programs. This will have an immediate effect in lowering the prices of the existing gasoline, diesel and other fuel oils that we are, currently Americans are hard hit with.

Let me close by saying that this measure has the support of 18 Blue Dogs as cosponsors. Certainly, a large percentage of my Blue Dogs colleagues are supporting this, or they are supporting Congressman GREEN's proposal or Congressman MIKE ROSS' proposal. But the Blue Dogs share a common desire to put the partisan politics behind us and really do America's business in addressing our long-term, interim and short-term energy needs.

Be sure of one thing. This energy crisis that we are in today will be with us for the foreseeable future. We are just one international crisis away from rationing fuel in America. We saw what happened in Russia's invasion of Georgia just a week ago and the implications on that for energy policy.

Nigeria provides 10 percent of some of the sweetest, cleanest crude that we import in America. You would think, well, maybe 10 percent's not too much; we could live without Nigeria's oil.

Well, let me tell you something. That 10 percent of the oil we receive from Nigeria provides 36 percent of all the gasoline consumed on the East Coast. We know the problems that we have in Nigeria today and the Delta and the instability there, as in other parts of the world. So, Americans expect us to look at a short-term, interim and long-term energy policy.

Ladies and gentlemen, my colleagues, my Blue Dog friends understand that we must use all the energy tools in our energy tool box, and that's what these series of proposals attempt to do, to use, as my parents taught me, a long time ago, JIM, use just some good common sense. You know, JIM, if you use good common sense you can get a lot done and you work with people and you don't care who gets credit. Well, that's what these proposals are all about, to use all the energy tools in our energy tool box for the near-term, the interim and the long-term energy needs of our country.

And with that, I yield back the balance of my time to my colleague, MIKE ROSS and my fellow Blue Dogs. Thank you very much.

Mr. ROSS. I thank the gentleman from California for his insight, his commitment to finding a common sense to this energy crisis facing America today. And the Member from California, Mr. COSTA, talked about the Blue Dogs.

The Blue Dog Coalition is a group of fiscally conservative Democrats that come from all over this country. There's 49 of us. And we're about trying to restore fiscal discipline, common sense and accountability to our government.

We're sick and tired of all the partisan bickering that goes on up in Washington. We don't care if it's a Democrat or a Republican idea. We want to know is it a common sense idea. Does it make sense for the people that send us here to be their voice at our Nation's Capital.

Tonight you're hearing from various members of the Blue Dog Coalition. It's not necessarily a Blue Dog position. It's Democratic positions. It's individual positions from individual Members within the Blue Dogs.

But you know, to listen to the Republicans tell it, you'd think Democrats aren't for drilling. We're for drilling, we're just not for giving the big oil companies a free ride to go along with it.

And tonight, I have got a number of my colleagues, Democratic Members of Congress, that, like me, believe that we need to drill, and we need to drill now, here at home in America to reduce the price we pay at the pump.

But we're not so short sighted that we stop there. We also say, take the revenue from the lease and royalty payments, and let's make the single largest investment in the history of America in alternative and renewable fuels.

At this time I'm pleased to yield to my colleague from Ohio, CHARLIE WILSON, for as much time as he desires. Not to be confused with the other Charlie Wilson. CHARLIE WILSON from Ohio.

Mr. WILSON of Ohio. Thank you, Congressman ROSS.

Mr. Speaker, I rise tonight in support of the Congress' efforts to construct a new energy policy that will increase our renewable energy, our portfolio and the resources that we already have

here at home. And that's one of the things that I'm really proud to be here this evening to speak with my fellow Blue Dogs and, certainly Congressmen COSTA and ROSS both who have gone before me. And the thing they stress that is so important, Mr. Speaker, they keep saying that we are so concerned that we use common sense in what we're doing. And I know myself, I have been supportive of drilling all along. I believe it's the right thing to do. We need to have our resources to help people who are feeling severe pain in our country right now.

I'm concerned, though, that the oil that we drill here be oil that we keep here. And so I believe it's American oil, and we should use it for America's needs. I feel the same way about natural gas. I believe it's one of the other issues that we're going to have to deal with in a very near time frame.

It concerns me that I can see buses running around Washington, D.C. right now, and they are run on gas. Why can't we do more of that? Why can't we use that natural resource that we have to lessen our dependence on foreign oil?

□ 2130

I believe that's one of the significant efforts that we need to make.

Mr. Speaker, I represent a part of Ohio that has had a long proud period of steel and coal. We use coal in our area in many ways. And as a matter of fact, if we're fortunate enough, very soon to get our coal-to-liquid plan in my district in Columbiana County, Ohio. I will be very, very proud because we will be able to introduce a process that is safe, that we can sequester the carbon, we can grind the coal, we can use it to make fuel oil for airplanes. It's a new type of diesel project that can be done that actually burns cleaner than what our Air Force and what our airplanes are using now. So it's a great opportunity for us to find an alternative way to develop our own fuel.

And the amount of fuel that our airplanes use, people don't realize, but it's huge. And so this plant of ours in Ohio will produce 50,000 barrels a day. And that's just a small dent, but I think it could be a prototype for the kinds of thing that can happen with our natural resources of coal and being able to use it clean to produce the kind of fuel that will help us with alternative fuel.

As you drive up and down the Ohio River, you can see along my district of southeastern Ohio what amount of energy plants we have that use coal to produce electricity and also now to be using diesel fuel. You can see that this liquid fuel will help us more and more to reduce our dependency. And as someone said earlier, I believe it was Congressman ROSS, that we are going to have a shortage of electricity now in the not-too-distant future.

This shortage of electricity, it is very important that we understand that we start gearing up for it now. We have the technology to burn coal clean to produce electricity. We can provide the coal with safe mining techniques that we have today, the technology that will make a difference in how we can get our coal out.

I believe that coal is another part of our energy plan that we need to look at, and especially from my area where we have an abundance of it, some say 200 to 300 years. So we can mine this coal and use it for an opportunity to help our workforce.

So I think as we drill and we have in mind that we're going to create a campus, or as Congressman COSTA said, a toolbox, if you will, of different kinds of alternative energy. And I believe if we could start doing that, we will be in better shape.

I yield back to our leader, Congressman ROSS.

Mr. ROSS. I appreciate the gentleman from Ohio for joining us. And if you are able to stick around, we'd love to visit more about coal with you.

We've got at least a 225-year supply of coal here in America. Instead of saying it's bad and turning our back on it, doesn't it make sense to invest some of this $80 billion from the lease and royalty payments from drilling here at home and trying to find ways to clean it up? Coal-to-liquid.

We're so close to getting coal-to-liquid figured out that if we could, we wouldn't need to import another barrel of oil for 300 years in this country. I look forward to visiting more with the gentleman from Ohio about coal. In fact, I've got a coal plant being built in my district right now. Coal is not the cleanest form of energy. We all recognize that. But I can tell you this: with new technologies when this plant comes on line, it will be the cleanest new coal plant in America today. It will be plumbed, outfitted for carbon capture and sequestration, another promising technology that's currently in the science lab but getting close to being ready for the marketplace.

At this time, I would like to yield to my dear friend, a real leader in the United States House of Representatives from the State of Texas, and that's NICK LAMPSON.

Mr. LAMPSON. Thank you, Mr. ROSS. I appreciate the gentleman from Arkansas sharing some of his time and all of the good work that you're doing, and particularly promoting the work of the Blue Dog Democrats, the coalition of the fiscal conservatives in the House of Representatives. It's a real pleasure to be a part of an organization like this that will concentrate on in part of the issues and look for common ground.

I think what we too often, unfortunately, we in the House have been best at producing is division, and it's time for that division to come to an end. It's time for us to start working for America. That's what I think this Blue Dog Coalition has stood for and so do many others.

It was out of a sense of, I guess, frustration of several weeks back when—Mr. COSTA was talking about it a few minutes ago—when Members were watching what was happening on the floor of this body when there was an awful lot of finger pointing about who was to blame for the energy situation that we were in. But out of that frustration came a plan for many of us to go into a room and see what we could do to come up with a real solution.

And that real solution became H.R. 6709, about which Mr. COSTA was speaking a little while ago. It's unfortunate that too often good things come out of a crisis. And we're in crisis. But what we've got to do is learn to work together in solving it.

What the public hears too often, Mr. Speaker and Members, is how divided we are. And we don't hear so much about how much effort is being made to pull us together, where there are good, reasonable commonsense solutions to the problems.

We know that only drilling is not a solution to our problem, and we know that only alternative energy is not a solution to our problem, but it's going to take a combination of them all. And that's what this bill 6709 sets out to accomplish.

And Mr. COSTA talked about the first two sections. He talked about the offshore and onshore leasing and other energy provisions. He also talked about the title II, which was cleaner energy production and energy conservation incentives.

And what he left off at the title number III was the Strategic Petroleum Reserve modification and dedication of revenues to existing conservation and energy research programs.

The whole effort that we made in this bill was to find ways that we could get the resources necessary to pay for the research, development, and implementation of alternative energy. There is no question but that we have to grow our supply of energy if we're going to meet the continuing growing demand of this world for energy.

And you can't do that, typically right now, with what we have traditionally known. And certainly we don't want to continue to be dependent on other places in the world and ship our wealth off to other countries.

So what we knew that we could do is to develop something that would give us some short-term benefit to consumers by decreasing the price of gasoline at the pump, decreasing the cost of oil, and in the long term, give us continued independence and a long-term energy policy that would allow us to do the research to grow wind, and water, and solar, and other forms of energy so that we would have not only a growing supply of energy but one that would be cleaner made available to us in a different way. We can grow it rather than always pulling it out of the ground.

Well, our section number 3 of this bill had the plan of modernizing the Strategic Petroleum Reserve. Right now we have about 700 million barrels of oil, like sweet crude oil, in storage in the Strategic Petroleum Reserve, and we wanted to propose that 10 percent of

that be taken and turn it into or replace it with a heavy crude which was of a lesser price. And the difference there would generate a profit, if you will, for the people of the United States.

And that money would be dedicated to the research, development, and implementation of a number of different areas of energy sources including advanced research projects, wind energy research, solar energy research, low-income weatherization, low-income home energy assistance program, marine and hydrokinetic renewable energy, advanced research vehicles development, industrial energy efficiency research and development, building/lighting energy efficiency research and development, geothermal energy development, smart grid technology development, nonconventional natural gas production and environmental research, hydrogen research and development, energy storage for transportation and electric power.

And those are the things that we know are some of what we have to do in order to expand our sources of energy.

We have great knowledge. We are a long way on our way toward having the knowledge to be able to implement so many of these different sources of energy and grow our ability to take care of ourselves, be dependent on us, us as America and the United States of America instead of other places in the world.

So it's wonderful when we have the opportunity to come together as colleagues and when we respectfully have discussions, as the one that we're having tonight, to be able to put the ideas that we can discuss, maybe compromise on because there's not everything in this bill that I like. I know there's not everything in this bill that other of my colleagues like.

But I believe it was our Founding Fathers who wanted us not to have polarization and partisanship but to have compromise through debate. That's why this Congress has been the strong body that it has been for so very long.

And to hear such finger pointing that we are not able to get the solutions that we need and want to make America great again, that's what has to end. That's what this coalition is about. That's what this bill is largely about.

I'm proud to be a part of the National Conservation Environment and Energy Independence Act, H.R. 6709. I hope many people will look at it and encourage Members of Congress from all over the country to sign on as cosponsors.

So I thank you, Mr. ROSS, for the work that you're doing with our Blue Dog Coalition, for promoting these energy matters that are so critically important to the people of the United States. And I'm proud to be able to join my colleagues tonight.

I yield back my time.

Mr. ROSS. I thank the gentleman from Texas.

And Mr. Speaker, when I committed to doing this hour this evening on our need for energy, including drilling here at home as well as investing in alternative renewable fuels, I wasn't sure if I would be spending an hour here by myself or not. The reality is that we've got Democrats that keep filing on to the floor of the United States House of Representatives, so many so that we may not be able to get to them all in this hour.

These are Democrats that are demanding a new energy policy for this country, and we can only hope the Republicans will join us in passing one in a bipartisan way. We're here to reach out to the Republicans and say, This is not a Democrat or Republican energy crisis, it's an American energy crisis. Let's solve it together.

I'm pleased now to yield to a brand new Member of Congress, all the way from Mississippi, who's brought a good dose of commonsense and fresh air to Washington with him, and that's my friend TRAVIS CHILDERS.

Mr. CHILDERS. Thank you, Congressman ROSS.

I am pleased to join my fellow Blue Dogs together in a discussion about this energy crisis that America finds itself in.

For far too long, the United States has not had any tangible national energy policy to address our continued dependence on foreign energy sources. As a matter of fact, it was a Democrat in the White House the last time that this country even had an energy policy. His name is Jimmy Carter, and he's still alive and well in the State of Georgia tonight.

It is my belief that we need both immediate and long-term solutions to ease the burden on the citizens of the First Congressional District of Mississippi, the citizens of Mississippi as a whole, and, yes, the people all across this great Nation tonight in the United States, all of us who make up the United States of America, who, on a daily basis, face increasing costs at the gas pump and in their households.

This is a reason that I was proud to be an original cosponsor with my fellow Blue Dog Congressman MIKE ROSS on the American-Made Energy Act of 2008.

And incidentally, I had introduced a six-point energy plan just prior to this, and I realize that many people share my ideas. Many people share my ideas of drilling. Many people share my ideas on America's renewable resources, just as Congressman ROSS did. And in order to move a large portion of my energy plan into law, I was pleased to sign on as a cosponsor to then-recently introduced legislation, the American-Made Energy Act of 2008, H.R. 5437. It has won considerable bipartisan support.

And so much has been said, as has even been said in this hour prior tonight, that just because we're Democrats, we're opposed to drilling. Let me just say this for the record: I'm very much in favor of drilling, and I join many of these fine Blue Dogs tonight who join me in that. And we're pleased to be a part of that, even though, as the infamous or famous T. Boone Pickens just said, ''We can't drill ourselves out of this mess that we've gotten ourselves in, and we didn't get into it overnight.''

□ 2145

Across America tonight—please hear me on this—we got into it because we don't have an energy policy. We haven't had an energy policy since the 1980s, really the late 1970s.

As a member of the Blue Dog Coalition, I have been committed to working toward immediate relief to American consumers by supporting legislation in this wonderful body, the United States House of Representatives, that responsibly increases domestic drilling capacity, while holding the oil industry accountable to the enormous profits being collected on a quarterly basis.

I have continually advocated for open drilling in the Outer Continental Shelf of the eastern Gulf of Mexico, along with the Arctic National Wildlife Refuge. When I am back home in north Mississippi visiting these small counties and small towns, I routinely tell those crowds that if they find oil in my backyard, they are welcome to put an oil derrick down right behind my house in Booneville, Prentiss County, Mississippi. And if the noise is too much, I will move, but I'm for drilling.

I mentioned above that our energy crisis is not all about short-term or immediate quick fixes. Personal accountability is a huge step toward getting Americans to purchase vehicles that are capable of traveling at ranges that exceed the current CAFE standard which is presently 27.5 miles per gallon.

I introduced legislation before the August break, H.R. 6773, which provides a $100 tax credit for every mile per gallon a vehicle goes over the nationally mandated fuel economy standard to a family and/or individual who purchases an automobile that qualifies under H.R. 6773.

Let me use, for example, the Prius, Toyota Prius, which I am so pleased to say will be made in a very short time in northeast Mississippi at the intersection of three great counties: Pontotoc, Union and Lee counties. I passed by during the break, and I saw the steel going up. Within a couple of years, Toyota and north Mississippians will be manufacturing a hybrid automobile that presently gets 46 miles per gallon.

Using my numbers and the legislation that I introduced, 46 miles per gallon minus 27.5, which is the present CAFE standard, that's 19.5 miles per gallon that automobile will get over the present CAFE standard. Using my numbers of $100 per mile per gallon, if you bought an automobile, a Toyota Prius, you will be entitled to a $1,950 tax credit. I think this is an appropriate step to incentivize Americans to start buying automobiles that are less dependent on foreign oil.

But let me say, it's not just about the Toyota Prius. I'm very pleased and

very proud to say that we're going to be making those Toyotas in north Mississippi, but I want Ford Motor Company to take advantage of that. I want General Motors to take advantage of that. I want Chrysler and Nissan and so forth, I want all of these. It's not just a Toyota thing.

Thank you for allowing me to speak tonight. I appreciate the opportunity. I am pleased to be a part of this great body. I am further pleased to be part of the Blue Dog Democrats, Democrats who are about the business of fixing the mess that we have gotten ourselves in over a period of almost 30 years. I'm proud to be a member of a body that is willing to take a stand, try to develop an energy policy for this country, one we've not had since the days of Jimmy Carter.

Mr. ROSS. I thank the gentleman from Mississippi, and at this time, I will yield to the gentleman from Georgia, DAVID SCOTT, my friend.

Mr. SCOTT of Georgia. Thank you very much, Mr. ROSS. Good to be with you again.

I thought I would just start for a few moments on the fact that we are going to vote on a ban to lift the ban on offshore drilling. Democrats are taking the lead and Democrats are moving forward in a very responsible way to take the ban off offshore drilling and drill.

What is important here are two points. One is that we need to make sure—and I understand that we are making sure—that whatever oil we are able to get from offshore drilling stays in America. This is a very tricky maneuver. Right now, as I understand it, all oil goes on the world market, but I do understand that we have the Continental Lands Act, and in that Act of 1953, as amended, it states that all oil that is discovered or pulled out of waters in the United States coastal areas will be American and will stay in America. That's very important.

That's the question that a lot of my constituents want to know, if we go, we get this oil, are we going to be able to keep this oil in America, because fundamentally, that's what's at issue. This is more than just a just basic energy crisis as we've had before. This is a national security issue of the highest regard.

I spent this afternoon for about 3 hours in our Foreign Affairs Committee talking with the Under Secretary of the Secretary of State and discussing the ramifications of Russia invading Georgia and what that was all about, and I hasten to add that this was all about, in many respects, energy and about Russia's position in that.

Europe gets 31 percent of its oil—I mean, we get a lot of ours from foreign sources, but right now, Europe gets 31 percent of its oil and gas from one Nation, Russia. There is a lot at stake that is going on in that part of the world, and underneath it all is oil and gas and energy and who's going to remain in control.

We need to understand that our basic charge is to get American dependent. So that part of the question has to be answered, and I think we've done that.

The other part is, and I think and I hope in this legislation, as we have worked and crafted—I might add that this legislation that's being crafted that we will vote on before we go back home on many, many sources. We're pulling in many ideas because no one has a monopoly on these ideas. Some of these ideas that we'll be voting on are contained in what the Senate calls the ''Gang of 10.'' That is very important.

But I think one aspect of that—and I've been very supportive of that—is that we will allow four to five States on the eastern seaboard, Georgia being one of them, to decide and opt in to whether they want to drill. We are going to have to come up with what the mileage is offshore, whether it's 3, 5, 10, 50 or 100 miles offshore. But I think we ought to entertain the possibility of allowing it open to every State, that every State may make that choice so that you're not deciding one or the other. Perhaps we will go in that direction, to allow the entirety of America, the United States of America, wherever we can get oil that we can keep, that is American dependent oil, we must do so, and wherever that drilling needs to take place, we must do so. And hopefully, that will be incorporated into the bill.

But we must not stop there. What we have more than any other country, we have the greatest amount of technology. Nobody's smarter than we are. We've got to unleash our technology, our scientists, our chemists, our engineers to go and hurry up and get alternative sources of fuel away from fossil fuels. We can't drill our way out, no matter what it is. There's just so much oil there. We've got to grow our way out of it.

And that's why we hope that this bill will be multifaceted, but drilling will be an important component on it, and we're excited for the future. I think the American people can be proud of what the Congress is about to do.

Mr. ROSS. I appreciate my colleague from Georgia, my dear friend, for working late on a Tuesday night here to help us address this energy crisis facing this country.

And at this time, I'm pleased to yield to another leader of the fiscally conservative Democratic Blue Dog Coalition, my good friend from the State of Tennessee, LINCOLN DAVIS.

Mr. LINCOLN DAVIS of Tennessee. Thank you, Mr. ROSS.

Certainly, it's always a pleasure to be here to speak when the Blue Dogs have a special session and an opportunity to come and speak before the Members of Congress, as well as the American people. There are some facts that I believe all of us need to know. I think the American people need to know this.

When you look at the oil reserves, the proved oil reserves, that we have in the world, America has about 3 percent. When you look at the actual production of the consumption of oil in the world, we produce about 10 percent of the world's consumption. Unfortunately, we consume almost 25 percent of all the production in the world, and in doing that, it makes us almost be a hostage to oil-producing countries.

Now, let's talk a little bit about how much oil that we use. We use over 7.5, almost 8 billion barrels of crude oil a year. We produce about 2.5 billion of that, and the rest we import, mainly from our hemisphere, some small amount from the Middle East, but mostly, from our hemisphere, whether it's Canada, Mexico, Venezuela. Different parts of our hemisphere comes to America.

Now, what does that tell me? If we have got 3 percent of the oil reserves, then we're always going to be held hostage. But where are those reserves located?

They tell us that we've got roughly 150 billion barrels of crude oil in the Outer Continental Shelf. That's the max. Good estimates say we probably have no more than 85 billion barrels of crude oil in the Outer Continental Shelf, add about 10 billion max up in ANWR or about 7.5 billion that we could actually take out of ANWR for a profitable margin for our oil companies.

That being the case, we have a 1-year supply in ANWR. We're hearing from folks who are making this a political issue that we just drill and drill our way out of it.

We import 5 billion barrels of crude oil a year, 5 billion barrels. If we, in fact, have 100 billion barrels of crude oil, which is the estimate that we would have probably in both ANWR, in the Outer Continental Shelf in Alaska, in the Outer Continental Shelf in the Pacific—about 24 billion in the Outer Continental Shelf in Alaska; 20 billion barrels in the Outer Continental Shelf in the Pacific; in the gulf about 44 billion; very little on the Atlantic Outer Continental Shelf, about 3 to 4 billion barrels; little over 100 billion barrels total. That's a 20-year supply of what we're importing today.

And we will use all that up, and if we have another war, by the time we have to defend ourselves and have the abundance of oil, are we going to go to Saudi Arabia or Iraq or Iran and ask them for oil so we can fight them with it?

I think we have got to look at alternatives more than we have ever looked. Ten years ago, in 1998, the average price of a barrel of oil was $14 a barrel. Let me rephrase that. Just 10 years ago, $14 a barrel. Volatile conditions in the world, over-consumption, and in many cases, an unplanned energy policy that will make us totally self-sustainable has not occurred.

I did some research on windmills. From 1850 to 1900 over 6 million windmills were sold in this country. They ground our corn with it to make cornmeal. They ground our wheat to make flour. In some cases, they even used it

for electricity. In 1880, this country had 50 million people in it: 9.5 million families, 8.5 million households. In that 50-year period of time, 6 million windmills. They were smarter than us because we've become dependent on the combustion engine. We've become dependent on foreign sources for our crude oil.

It is time that we take a serious look at all the alternatives, including wind and solar, including nuclear. I'm not sure I'd like to say this. T. Boone Pickens is one of those guys, Mr. Speaker, that helped fund Swift Boat Veterans for Truth. When that guy comes to the Democrat Caucus and says you are on the right track, a staunch Republican, it tells me we are doing something right.

I would love to spend about 20 minutes here.

□ 2200

Mr. ROSS. I thank the gentleman from Tennessee for coming out and joining us this evening.

Mr. Speaker, tonight, you've heard from Democrats from Texas, Ohio, Mississippi, California, Tennessee, Georgia, and yes, Arkansas. They are Democrats who share a common vision, a common plan to reduce our dependence on foreign oil, to create new jobs here at home, to drill here at home, to take the lease and royalty payments to invest in alternative and renewable fuels which will create new jobs here at home, all of which, of course, will lower the price we pay at the pump.

We invite Republicans to join us. It's H.R. 5437, the American-Made Energy Act. It's a bipartisan bill. I hope Republicans will support it as well as they will support these other bills mentioned this evening.

Mr. LINCOLN DAVIS of Tennessee. Would the gentleman yield?

Mr. ROSS. I would yield to the gentleman from Tennessee.

Mr. LINCOLN DAVIS of Tennessee. One last word.

This issue demands and requires leadership probably more than any other issue that we've addressed in this Congress, leadership on doing what's right, not fabricating an issue that we can solve it by just drilling our way out of it. It's going to take leadership to give us an energy policy that will sustain America's future.

Mr. ROSS. The gentleman from Tennessee is absolutely correct.

Mr. Speaker, we don't have a Democratic energy crisis. We don't have a Republican energy crisis. We've got an American energy crisis, and we're here asking Republicans to join us, the Democrats, in passing a bill that includes drilling here at home and in investing in alternative and renewable fuels. If the Republicans will do that, if they will come to the table and will sit down and will talk to us and with us instead of at us, I promise you, Mr. Speaker, we will pass a commonsense energy plan for America, a plan that will reduce the price we pay at the pump.

With that, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SENSENBRENNER (at the request of Mr. BOEHNER) for today on account of his primary election.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BISHOP of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. HIGGINS, for 5 minutes, today.

Mr. KAGEN, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, September 16.

Mr. JONES, for 5 minutes, September 16.

Mr. DAVIS of Kentucky, for 5 minutes, September 15.

Mr. MORAN of Kansas, for 5 minutes, today and September 10, 11 and 12.

Mr. BACHUS, for 5 minutes, today and September 10, 11 and 12.

Ms. FOXX, for 5 minutes, today and September 10, 11 and 12.

Mr. SOUDER, for 5 minutes, today and September 10, 11 and 12.

Mr. WOLF, for 5 minutes, September 10.

Mr. PRICE of Georgia, for 5 minutes, September 10.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. PRICE of Georgia, for 5 minutes, today.

ADJOURNMENT

Mr. ROSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 1 minute p.m.) the House adjourned until tomorrow, Wednesday, September 10, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8142. A letter from the Secretary, Department of Agriculture, transmitting draft legislation, ''To amend the Packers and Stockyards Act, 1921, to provide authority to collect license fees from persons participating in the Packers and Stockyards Programs, and for other purposes''; to the Committee on Agriculture.

8143. A letter from the Under Secretary of Defense, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 07-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8144. A letter from the Under Secretary of Defense, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 08-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

8145. A letter from the Deputy Under Secretary of Defense, Department of Defense, transmitting the Department's report on the amount of purchases from foreign entities for Fiscal Year 2007, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

8146. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a report entitled, ''OJJDP Annual Report 2005,'' pursuant to 42 U.S.C. 5617; to the Committee on Education and Labor.

8147. A letter from the Assistant Secretary Electricity Delivery and Energy Reliability, Department of Energy, transmitting a report entitled, ''A Preliminary Report on the Potential Impacts of Plug-in Hybrid Electric Vehicles on the U.S. Electric System''; to the Committee on Energy and Commerce.

8148. A letter from the Assistant Secretary Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's semi-annual implementation report on energy conservation standards activities, pursuant to Section 141 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

8149. A letter from the Chief Operating Officer, Environmental Justice and Climate Change Initiative and Redefining Progress, transmitting a report entitled, ''A Climate of Change: African Americans, Global Warming, and a Just Climate Policy for the U.S.''; to the Committee on Energy and Commerce.

8150. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions list of cancer drugs containing nitrogen mustards, pursuant to section 38(f) of the Arms Control Export Act; to the Committee on Foreign Affairs.

8151. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-496, ''Health-Care Decisions for Persons with Developmental Disabilities Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8152. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-494, ''Tenant-Owner Voting in Conversion Election Clarification Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8153. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-495, ''Department of Transportation Establishment Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8154. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-493, ''Animal Protection Amendment Act of 2008,'' pursuant to D.C.

Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8155. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-473, ''Street and Alley Closing and Acquisition Procedures Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8156. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-501, ''Income Tax Secured Bond Authorization Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8157. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-500, ''Center Leg Freeway (Interstate 395) Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8158. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-499, ''Southwest Waterfront Bond Financing Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8159. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-498, ''Youth Council of the District of Columbia Establishment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8160. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-497, ''Clean and Affordable Energy Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

8161. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8162. A letter from the Chairman, National Capital Planning Commission, transmitting the Commission's annual report for FY 2007 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

8163. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a letter detailing the activities undertaken by the Department to expand training efforts, improve coordination across jurisdictions, and deploy technology to more effectively respond to the threat posed by sex offenders using the Internet and other technology to abuse and exploit children, pursuant to Public Law No. 109-248; to the Committee on the Judiciary.

8164. A letter from the Secretary, Department of Transportation, transmitting a report entitled, ''Rural Interstate Corridor Communications Study,'' pursuant to section 5507 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; to the Committee on Transportation and Infrastructure.

8165. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Stemme GmbH & Co. KG Model S10-VT Powered Sailplanes [Docket No. FAA-2008-0598; Directorate Identifier 2008-CE-031-AD; Amendment 39-15543; AD 2008-11-20] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8166. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cirrus Design Corporation Model SR20 Airplanes [Docket No. FAA-2008-0284; Directorate Identifier 2008-CE-006-AD; Amendment 39-15541; AD 2008-11-18] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8167. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls Royce plc (RR) RB211 Trent 500 Series Turbofan Engines [Docket No. FAA-2007-27955; Directorate Identifier 2007-NE-15-AD; Amendment 39-15539; AD 2008-11-16] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8168. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc (RR) Models Trent 768-60, 772-60, 772B-60, and 772C-60 Turbofan Engines [Docket No. FAA-2008-0597; Directorate Identifier 2008-NE-12-AD; Amendment 39-15542; AD 2008-11-19] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8169. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Airplanes [Docket No. FAA-2007-28598; Directorate Identifier 2007-NM-036-AD; Amendment 39-15529; AD 2008-11-07] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8170. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10F, DC-10-30F (KC-10A and KDC-10), DC-10-40F, MD-10-10F, and MD-10-30F Airplanes; and Model MD-11 and MD-11F Airplanes [Docket No. FAA-2007-28748; Directorate Identifier 2007-NM-115-AD; Amendment 39-15537; AD 2008-11-14] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8171. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes; Model DC-9-10 Series Airplanes; Model DC-9-20 Series Airplanes; Model DC-9-30 Series Airplanes; Model DC-9-40 Series Airplanes; Model DC-9-50 Series Airplanes; Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) Airplanes; Model MD-88 Airplanes; and Model MD-90-30 Airplanes [Docket No. FAA-2008-0032; Directorate Identifier 2007-NM-314-AD; Amendment 39-15538; AD 2008-11-15] (RIN: 2120-AA64) Received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8172. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Airplanes [Docket No. FAA-2008-0231; Directorate Identifier 2007-NM-218-AD; Amendment 39-15534; AD 2008-11-12] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8173. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and -300 Airplanes [Docket No. FAA-2008-0544; Directorate Identifier 2008-NM-099-AD; Amendment 39-15535; AD 2008-10-51] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8174. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200, -200LR, -300, and -300ER Series Airplanes [Docket No. FAA-2007-28389; Directorate Identifier 2006-NM-171-AD; Amendment 39-15536; AD 2008-11-13] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8175. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No. FAA-2008-0554; Directorate Identifier 2008-NM-100-AD; Amendment 39-15522; AD 2008-10-15] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8176. A letter from the Chairman, Social Security Advisory Board, transmitting the Board's report of the 2007 Social Security Technical Panel on Assumptions and Methods; to the Committee on Ways and Means.

8177. A letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing the bill H.R. 5983 the ''Homeland Security Network Defense and Accountability Act of 2008''; to the Committee on Homeland Security.

8178. A letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing the bill H.R. 5531 ''Next Generation Radiation Screening Act of 2008''; to the Committee on Homeland Security.

8179. A letter from the Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting a letter opposing the bills H.R. 3815, H.R. 4806, H.R. 6193, and H.R. 6098; to the Committee on Homeland Security.

8180. A letter from the Secretary, Department of Health and Human Services, transmitting notification that the Centers for Medicare & Medicaid Services fully implemented section 422 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA); jointly to the Committees on Energy and Commerce and Ways and Means.

8181. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of a bill, ''To amend the Elwha River Ecosystem and Fisheries Restoration Act to provide certain authorities for dam removal and mitigation activities, and for other purposes''; jointly to the Committees on Energy and Commerce and Natural Resources.

8182. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting a copy of the Commission's ''June 2008 Report to the Congress: Reforming the Delivery System''; jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Oversight and Government Reform. Supplemental report on H.R. 6322. A bill to amend the District of Columbia School Reform Act of 1995 to permit the District of Columbia government to exercise authority over the Public

Charter School Board in the same manner as the District government may exercise authority over other entities of the District government (Rept. 110–782 Pt. 2).

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 6608. A bill to provide for the replacement of lost income for employees of the House of Representatives who are members of a reserve component of the armed forces who are on active duty for a period of more than 30 days, and for other purposes (Rept. 110–832 Pt. 1). Ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 6630. A bill to prohibit the Secretary of Transportation from granting authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless expressly authorized by Congress (Rept. 110–833). Referred to the Committee of the Whole House on the State of the Union.

Mr. WELCH: Committee on Rules. House Resolution 1419. Resolution providing for consideration of the bill (H.R. 3667) to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System (Rept. 110–834). Referred to the House Calendar.

Mr. FRANK: Committee on Financial Services. H.R. 6308. A bill to ensure uniform and accurate credit rating of municipal bonds and provide for a review of the municipal bond insurance industry; with an amendment (Rept. 110–835). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 4081. A bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes; with an amendment (Rept. 110–836). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Standards of Official Conduct discharged from further consideration. H.R. 6608 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. NORTON (for herself and Mr. WAXMAN):

H.R. 6842. A bill to require the District of Columbia to revise its laws regarding the use and possession of firearms as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller, in a manner that protects the security interests of the Federal government and the people who work in, reside in, or visit the District of Columbia and does not undermine the efforts of law enforcement, homeland security, and military officials to protect the Nation's Capital from crime and terrorism; to the Committee on Oversight and Government Reform.

By Mr. MAHONEY of Florida:

H.R. 6843. A bill to strengthen procedures regarding detention and removal of aliens; to the Committee on the Judiciary.

By Mr. MCHUGH (for himself, Mr. KUHL of New York, and Mr. PAUL):

H.R. 6844. A bill to amend the Internal Revenue Code of 1986 to suspend the taxation of unemployment compensation for 2 years; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. ISSA, Mr. WEXLER, and Mr. FEENEY):

H.R. 6845. A bill to amend title 17, United States Code, with respect to works connected to certain funding agreements; to the Committee on the Judiciary.

By Ms. LEE (for herself, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Ms. MATSUI, Mr. FILNER, Ms. MOORE of Wisconsin, Ms. BALDWIN, Mr. CARSON, and Ms. WOOLSEY):

H.R. 6846. A bill to ensure that any agreement with Iraq containing a security commitment or arrangement is concluded as a treaty or is approved by Congress; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, 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. DEAL of Georgia (for himself, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. KINGSTON, Mr. LINDER, Mr. GINGREY, Mr. MARSHALL, Mr. SCOTT of Georgia, Mr. BARROW, Mr. PRICE of Georgia, Mr. WESTMORELAND, Mr. JOHNSON of Georgia, and Mr. BROUN of Georgia):

H.R. 6847. A bill to designate the facility of the United States Postal Service located at 801 Industrial Boulevard in Ellijay, Georgia, as the ''First Lieutenant Noah Harris Ellijay Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. ELLISON (for himself, Ms. MCCOLLUM of Minnesota, Mr. OBERSTAR, Mr. WALZ of Minnesota, Mr. PETERSON of Minnesota, and Mr. RAMSTAD):

H.R. 6848. A bill to extend through April 1, 2009, the MinnesotaCare Medicaid demonstration project; to the Committee on Energy and Commerce.

By Mr. ETHERIDGE (for himself and Mr. MORAN of Kansas):

H.R. 6849. A bill to amend the commodity provisions of the Food, Conservation, and Energy Act of 2008 to permit producers to aggregate base acres and reconstitute farms to avoid the prohibition on receiving direct payments, counter-cyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less, and for other purposes; to the Committee on Agriculture.

By Mr. FORTENBERRY:

H.R. 6850. A bill to allow veterans to elect to use, with the approval of the Secretary of Veterans Affairs, certain financial educational assistance to establish and operate certain business, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HASTINGS of Florida:

H.R. 6851. A bill to authorize assistance to facilitate trade with, reconstruction efforts, and economic recovery in the Republic of Georgia, which are necessitated by the destruction of critical infrastructure and disruption of domestic and regional commerce during the August 2008 war between Georgia and the Russian Federation; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself and Mr. SERRANO):

H.R. 6852. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve Federal response efforts after a terrorist strike or other major disaster affecting homeland security, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEK of Florida:

H.R. 6853. A bill to establish in the Federal Bureau of Investigation the Nationwide Mortgage Fraud Task Force to address mortgage fraud in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. SHIMKUS (for himself and Mr. TANNER):

H. Con. Res. 409. Concurrent resolution supporting the awarding of a Membership Action Plan to the Republic of Georgia and Ukraine at the meeting of the North Atlantic Treaty Organization (NATO) Foreign Ministers in December 2008; to the Committee on Foreign Affairs.

By Mr. HOYER:

H. Res. 1420. A resolution expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001; to the Committee on Oversight and Government Reform, and in addition to the Committees on Foreign Affairs, Armed Services, Transportation and Infrastructure, Homeland Security, the Judiciary, and Intelligence (Permanent Select), 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. JONES of North Carolina:

H. Res. 1421. A resolution solemnly commemorating the 25th anniversary of the tragic October 1983 terrorist bombing of the United States Marine Corps Barracks in Beirut, Lebanon and remembering those who lost their lives and those who were injured; to the Committee on Armed Services.

By Mr. KANJORSKI:

H. Res. 1422. A resolution recognizing and promoting awareness of Chiari malformation and expressing support for designation of a ''National Chiari Malformation Month''; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Mr. CLEAVER.
H.R. 211: Mr. CARDOZA.
H.R. 241: Mr. ADERHOLT.
H.R. 549: Mr. HASTINGS of Washington.
H.R. 563: Mr. TIM MURPHY of Pennsylvania.
H.R. 743: Mr. SCALISE.
H.R. 871: Ms. BORDALLO.
H.R. 882: Mr. SMITH of New Jersey, Mrs. TAUSCHER, Mr. THOMPSON of California, and Mr. SIRES.
H.R. 1014: Mr. WALZ of Minnesota.
H.R. 1023: Mr. WALDEN of Oregon.
H.R. 1038: Mr. ROTHMAN.
H.R. 1110: Ms. DELAURO.
H.R. 1193: Mr. BRADY of Pennsylvania.
H.R. 1280: Mr. LANGEVIN and Mr. CASTLE.
H.R. 1283: Mr. MARCHANT and Mr. BAIRD.
H.R. 1293: Mr. SHULER.
H.R. 1380: Mr. LAHOOD.
H.R. 1386: Mr. WELCH of Vermont.
H.R. 1524: Mr. WEXLER, Mr. CARSON, and Mr. SARBANES.
H.R. 1655: Mr. BOUCHER and Mr. BAIRD.
H.R. 1671: Mr. MEEK of Florida, Ms. SCHWARTZ, and Mr. NADLER.
H.R. 1742: Mr. JONES of North Carolina and Mr. WILSON of South Carolina.
H.R. 1755: Mr. CAPUANO.
H.R. 1781: Mr. DONNELLY.

H.R. 1820: Mr. SCHIFF, Mr. ISRAEL, Mr. CUMMINGS, Mr. MICHAUD, Mr. DAVIS of Illinois, Mrs. CAPPS, Mr. GUTIERREZ, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Ms. WASSERMAN SCHULTZ, Mr. FARR, Mr. HASTINGS of Florida, Mr. OLVER, Mr. DELAHUNT, Ms. LEE, Mr. KENNEDY, Mrs. DAVIS of California, Ms. ESHOO, Ms. HARMAN, Mr. COURTNEY, Mr. BRALEY of Iowa, Mr. CLYBURN, and Ms. MATSUI.

H.R. 1881: Mr. PAYNE, Mr. KUHL of New York, Mr. BACA, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1956: Mr. BACA.

H.R. 1964: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1992: Mr. CHILDERS.

H.R. 2015: Mr. KIND and Mr. CASTLE.

H.R. 2020: Mr. BARRETT of South Carolina, Ms. SUTTON, Mr. WILSON of Ohio, and Mr. STUPAK.

H.R. 2054: Mr. ROSS.

H.R. 2075: Ms. TSONGAS.

H.R. 2131: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2167: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 2169: Mr. LARSEN of Washington and Mr. ABERCROMBIE.

H.R. 2188: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. LOEBSACK.

H.R. 2208: Mr. KELLER and Mr. CULBERSON.

H.R. 2221: Mr. DEFAZIO.

H.R. 2244: Ms. BERKLEY.

H.R. 2260: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2329: Mr. HINCHEY, Mr. MILLER of North Carolina, Mr. ROGERS of Alabama, Mr. BISHOP of New York, Mr. SALAZAR, and Mr. LARSON of Connecticut.

H.R. 2606: Ms. WOOLSEY.

H.R. 2677: Mr. MICHAUD.

H.R. 2802: Mr. LOEBSACK.

H.R. 2809: Mr. HOLT.

H.R. 2833: Ms. BERKLEY.

H.R. 2923: Mr. SHULER and Mr. CLAY.

H.R. 3035: Mr. GONZALEZ and Mr. DENT.

H.R. 3212: Mr. DICKS, Mr. REYES, Ms. BERKLEY, and Mrs. NAPOLITANO.

H.R. 3257: Mr. ABERCROMBIE, Mrs. EMERSON, Mr. WALZ of Minnesota, and Mr. MCCRERY.

H.R. 3326: Mr. WALZ of Minnesota, Ms. GIFFORDS, Mrs. MCCARTHY of New York, Ms. SUTTON, Mr. HOLT, Mr. SCOTT of Virginia, and Mr. KIND.

H.R. 3334: Mr. MCCAUL of Texas.

H.R. 3404: Mrs. MCCARTHY of New York and Mr. ABERCROMBIE.

H.R. 3544: Mr. PAYNE.

H.R. 3573: Mr. PAYNE.

H.R. 3636: Mr. HOLT.

H.R. 3652: Mrs. CAPPS.

H.R. 3654: Mr. INGLIS of South Carolina.

H.R. 3737: Mr. BROWN of South Carolina and Mr. MARKEY.

H.R. 3834: Mr. HINCHEY, Mr. BOOZMAN, and Mr. CONYERS.

H.R. 3846: Ms. SLAUGHTER.

H.R. 3929: Mr. STARK, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mrs. CAPPS, Mr. DOYLE, Mr. FARR, and Mr. CLAY.

H.R. 4048: Mr. BISHOP of New York.

H.R. 4206: Mrs. EMERSON and Mr. MARCHANT.

H.R. 4248: Mr. ALLEN.

H.R. 4449: Mr. FILNER.

H.R. 4900: Mr. LARSEN of Washington.

H.R. 5223: Mr. RODRIGUEZ and Mr. STUPAK.

H.R. 5469: Mr. KUHL of New York.

H.R. 5513: Mr. BARRETT of South Carolina and Mr. GRAVES.

H.R. 5585: Mr. PLATTS, Mr. SMITH of New Jersey, Mr. DOYLE, and Mr. MCNULTY.

H.R. 5615: Mr. COBLE and Mr. TIERNEY.

H.R. 5635: Mr. CONAWAY, Mr. RAMSTAD, and Mr. TOWNS.

H.R. 5646: Mrs. SCHMIDT, Mr. BILIRAKIS, and Mr. SESSIONS.

H.R. 5673: Mr. BOUSTANY and Mr. MARCHANT.

H.R. 5713: Mr. NUNES.

H.R. 5750: Mr. STARK.

H.R. 5752: Ms. GINNY BROWN-WAITE of Florida.

H.R. 5793: Ms. BEAN, Mr. MARCHANT, Mr. WILSON of South Carolina, and Mr. MICA.

H.R. 5823: Mr. LARSON of Connecticut, Mr. MAHONEY of Florida, Ms. SUTTON, Mr. GRIJALVA, Mr. TIERNEY, Mr. FILNER, and Mr. MICHAUD.

H.R. 5846: Mr. WATT.

H.R. 5867: Mr. BROWN of South Carolina.

H.R. 5882: Mr. WU, Mr. BLUMENAUER, and Mr. STARK.

H.R. 5901: Mr. SERRANO, Ms. BALDWIN, and Mr. FARR.

H.R. 5921: Mr. WU, Mr. BLUMENAUER, and Mr. STARK.

H.R. 5924: Mr. BILBRAY.

H.R. 5936: Ms. WOOLSEY.

H.R. 5946: Mr. STARK.

H.R. 5951: Mr. LEWIS of Georgia, Ms. BORDALLO, Mr. BRALEY of Iowa, and Mr. STARK.

H.R. 5971: Mr. WELDON of Florida.

H.R. 6039: Mr. WU and Mr. BLUMENAUER.

H.R. 6126: Ms. SCHAKOWSKY and Mr. PAYNE.

H.R. 6127: Mr. NADLER.

H.R. 6143: Mr. BISHOP of New York.

H.R. 6145: Mr. FRELINGHUYSEN.

H.R. 6180: Mr. CAPUANO and Mr. MCGOVERN.

H.R. 6201: Mr. POMEROY and Mr. BERRY.

H.R. 6209: Mr. GORDON, Ms. LEE, and Mr. ELLSWORTH.

H.R. 6210: Mr. CARNEY, Mr. WEXLER, Mrs. GILLIBRAND, and Mr. MICHAUD.

H.R. 6283: Mr. BOUCHER.

H.R. 6355: Mr. SHERMAN.

H.R. 6407: Mr. YARMUTH and Mr. BRALEY of Iowa.

H.R. 6411: Ms. SUTTON.

H.R. 6434: Ms. MATSUI and Mr. HONDA.

H.R. 6444: Mr. CASTLE.

H.R. 6453: Mr. HUNTER.

H.R. 6466: Mr. SCALISE.

H.R. 6479: Ms. ZOE LOFGREN of California, Ms. ESHOO, and Ms. SPEIER.

H.R. 6495: Mr. WU.

H.R. 6508: Ms. SCHAKOWSKY, Mr. GRIJALVA, and Mr. BLUMENAUER.

H.R. 6525: Mr. HONDA.

H.R. 6528: Ms. WOOLSEY.

H.R. 6534: Mr. SHADEGG.

H.R. 6558: Mr. ROHRABACHER, Mr. MCCARTHY of California, and Mr. NUNES.

H.R. 6559: Mr. SCOTT of Georgia.

H.R. 6562: Mr. KUHL of New York, Mr. KAGEN, Mr. MICHAUD, Mr. PLATTS, Mr. STUPAK, Mr. TANCREDO, Mr. GRAVES, Mr. ALLEN, Mr. PASTOR, Mr. THORNBERRY, and Mr. CLEAVER.

H.R. 6566: Mr. SAM JOHNSON of Texas, Mr. WELDON of Florida, Mr. MCHENRY, Mr. KINGSTON, Mr. WELLER, and Mr. RYAN of Wisconsin.

H.R. 6568: Mr. RYAN of Ohio.

H.R. 6597: Mr. BERMAN.

H.R. 6598: Mr. ACKERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LOBIONDO, Ms. BERKLEY, Mr. ELLISON, Mr. CASTLE, Ms. BORDALLO, Mr. SHAYS, Mr. PORTER, Ms. LEE, Mr. HALL of New York, Mr. BILBRAY, and Mr. PAYNE.

H.R. 6630: Mr. LIPINSKI.

H.R. 6632: Mr. REGULA.

H.R. 6640: Mrs. MUSGRAVE.

H.R. 6641: Ms. BALDWIN.

H.R. 6652: Ms. JACKSON-LEE of Texas and Mr. CALVERT.

H.R. 6692: Mr. SKELTON and Mr. KUHL of New York.

H.R. 6702: Mr. PASTOR.

H.R. 6709: Mr. DAVIS of Alabama, Mr. KAGEN, Mr. JONES of North Carolina, Mr. PETERSON of Minnesota, Mr. GORDON, Mrs. MYRICK, Mr. FALEOMAVAEGA, Mr. COBLE, Mr. DENT, Mr. RODRIGUEZ, Mr. KIRK, and Ms. JACKSON-LEE of Texas.

H.R. 6742: Ms. WOOLSEY.

H.R. 6749: Mr. HINCHEY.

H.R. 6763: Mr. CHABOT, Mr. CHANDLER, Mr. HARE, Mr. MCCOTTER, and Mr. PLATTS.

H.R. 6783: Mr. GOHMERT and Mr. POE.

H.R. 6788: Mr. BUYER.

H.R. 6789: Mr. GOODE.

H.R. 6792: Mr. HARE, Mr. HINOJOSA, and Mr. MICHAUD.

H.R. 6796: Ms. SCHAKOWSKY and Ms. NORTON.

H.R. 6798: Mr. FRANK of Massachusetts and Mr. ROGERS of Alabama.

H.R. 6832: Mr. PORTER.

H.J. Res. 79: Mr. PAYNE, Ms. WOOLSEY, Mr. MCDERMOTT, Mr. HARE, and Mr. COHEN.

H.J. Res. 89: Mr. WELDON of Florida.

H.J. Res. 91: Mr. MORAN of Virginia.

H. Con. Res. 253: Mr. STARK.

H. Con. Res. 284: Mr. GOHMERT, Mr. PENCE, Mr. RADANOVICH, Mr. WELDON of Florida, and Mr. WOLF.

H. Con. Res. 360: Mr. GUTIERREZ, Mr. STARK, Mr. THOMPSON of California, and Mr. SERRANO.

H. Con. Res. 362: Mr. MCCRERY and Mr. HERGER.

H. Con. Res. 393: Mr. FRANK of Massachusetts.

H. Res. 102: Mrs. MYRICK.

H. Res. 671: Ms. NORTON, Ms. JACKSON-LEE of Texas, Mr. LATHAM, Mr. WU, Mr. LEVIN, Ms. ZOE LOFGREN of California, Mr. FRANK of Massachusetts, and Mr. BISHOP of New York.

H. Res. 985: Mr. ROSS.

H. Res. 1000: Mr. MARKEY.

H. Res. 1042: Mr. FEENEY, Mr. BOYD of Florida, Mr. CONYERS, Mr. GRAVES, Mr. MELANCON, Mr. WEXLER, Mr. MEEK of Florida, Ms. BERKLEY, and Mr. ROSS.

H. Res. 1179: Mr. BUCHANAN and Mr. SHERMAN.

H. Res. 1227: Mr. MCNULTY.

H. Res. 1232: Mr. MCNULTY.

H. Res. 1258: Mr. MCDERMOTT.

H. Res. 1300: Mr. RUSH, Ms. ESHOO, and Ms. SCHAKOWSKY.

H. Res. 1303: Mrs. MYRICK, Ms. ROYBAL-ALLARD, and Mrs. BIGGERT.

H. Res. 1306: Mr. SHAYS.

H. Res. 1328: Mr. SHUSTER, Mr. SIRES, Mr. SESSIONS, Ms. NORTON, Mr. GORDON, Mr. FARR, Mr. BOUSTANY, and Mr. BARRETT of South Carolina.

H. Res. 1329: Mr. SESTAK.

H. Res. 1333: Mr. ENGEL, Mr. HILL, Mr. TOWNS, Ms. HOOLEY, Mrs. CAPPS, Ms. SCHAKOWSKY, Mr. CROWLEY, Mr. HIGGINS, Mrs. MALONEY of New York, Mr. KING of New York, Mr. HINCHEY, Ms. BALDWIN, Mr. WAXMAN, Mr. SERRANO, Mr. INSLEE, Mr. BUTTERFIELD, Mr. NADLER, Mr. LAMPSON, Mr. TAYLOR, Ms. LEE, Mr. DOYLE, Mr. SCHIFF, Ms. HIRONO, and Ms. SLAUGHTER.

H. Res. 1369: Mr. HINOJOSA, Mr. DOGGETT, and Mr. CAPUANO.

H. Res. 1386: Mr. HINCHEY, Ms. ZOE LOFGREN of California, Mr. MCDERMOTT, Mr. BACHUS, and Mr. MORAN of Virginia.

H. Res. 1387: Mr. SCOTT of Georgia.

H. Res. 1401: Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mr. RADANOVICH, Mr. BERMAN, and Mr. HONDA.

H. Res. 1402: Mr. MORAN of Virginia.

H. Res. 1407: Mr. HINCHEY.

H. Res. 1410: Ms. WOOLSEY.

H. Res. 1411: Mr. MARKEY and Mr. BARTON of Texas.

H. Res. 1416: Mr. DAVIS of Kentucky, Mr. MCCAUL of Texas, Mr. HINOJOSA, and Mr. MCCRERY.

H. Res. 1418: Mr. MCHUGH and Mr. PUTNAM.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks,

limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Nick Rahall or a designee to H.R. 3667 the Missisquoi and Trout Rivers Wild and Scenic Study Act of 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

The amendment to be offered by Representative Rob Bishop or a designee to H.R. 3667 the Missisquoi and Trout Rivers Wild and Scenic River Study Act of 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

305. The SPEAKER presented a petition of the City Council of Cotati, Sonoma County, relative to Resolution No. 08-46 entitled, ''A Resolution Of The City Council Of The City Of Cotati Adopting A Petition To Impeach President George W. Bush And Vice President Richard Cheney''; to the Committee on the Judiciary.

306. Also, a petition of the Arizona Commission on Indian Affairs, relative to Resolution No. 2008-01 petitioning the Congress of the United States to obtain adequate funding for the single school concept to serve the students of Hopi Day School and Hotevilla-Bacavai Community School; jointly to the Committees on Natural Resources and Education and Labor.