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No. 143

House of Representatives

The House met at 10 a.m.

Dr. David O. Dykes, Pastor, Green Acres Baptist Church, Tyler, Texas, offered the following prayer:

Our Father, as the Psalmist prayed, we proclaim that "the Lord is my strength and my shield; my heart trusts in Him and I am helped."

Father, on this very day 7 years ago, we were not prepared for how our Nation and our lives would change within a single day. But since that day, we have found that Your grace is enough. We desperately depend upon Your future grace. We praise You that You are not a spectator God who sits in heaven uncaring and unconcerned. You are a loving Father who has numbered the hairs on our head. Your wounded feet still walk with us on the road of suffering. Your heart that was broken on the cross still feels our every pain.

And so, Father, give to Your servants wisdom and grace. May Your kingdom come and Your will be done. We humbly ask in the name that is above every name, Your Son, our Redeemer, Jesus Christ. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. SIREs) come forward and lead the House in the Pledge of Allegiance.

Mr. SIREs 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.

WELCOMING DR. DAVID O. DYKES

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

There was no objection.

Mr. GOHMERT. Thank you, Madam Speaker.

Dr. David O. Dykes has been pastor of Green Acres Baptist Church for about 17 years while being a true leader, spiritual guide, and dear friend.

In Tyler, Texas, Green Acres has over 14,000 members and is the most mission-minded church anywhere. Recognized this year with the highest award of the Southern Baptist Convention, Brother David, as his church knows him, has taken seriously the admonitions of Jesus to feed His sheep, minister to their needs, and take the Gospel into all the world.

As I heard here from a Florida pastor yesterday, Brother David is truly an inspiration and a blessing because of his evident burden for reaching out to help others. He faithfully serves our church, the local community, our country and world. He dearly loves his amazing wife, Cindy, their daughters Jenni and Laura Grace, and their husbands Jason and Jim. He and Cindy are now the proud grandparents of Lizzi and Caroline. God's love is evident in the life and love of Brother David as today's congressional chaplain.

Madam Speaker, though I am allowed only 1 minute, it would take many times more than that to adequately extol the virtues of this great American pastor.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the amendments of the House to the bill (S. 2403) "An Act to designate the new Federal Courthouse, located in the 700 block of East Broad Street, Richmond, Virginia, as the "Spottswood W. Robinson III

and Robert R. Merhige, Jr. Federal Courthouse."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PAS-TOR). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

JERSEY CITY REDEVELOPMENT AGENCY

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

Mr. SIREs. Mr. Speaker, I rise to highlight the good work of the Jersey City Redevelopment Agency in the 13th District of New Jersey, which I have the honor of representing.

The Jersey City Redevelopment Agency has a distinguished history in the fight to eliminate blight, to create opportunities, and to attract residential, commercial and industrial real estate projects in Jersey City.

Since its inception 60 years ago, the Jersey City Redevelopment Agency has been responsible for the direct reinvestment of billions of dollars in Jersey City and tens of thousands of jobs. The agency is committed to enhancing the quality of life for all residents of Jersey City by guiding responsible development and reinvestment in all neighborhoods and communities in Jersey City. They work daily to enhance the quality of life of their residents and improve economic and housing opportunities while building strong, viable partnerships with the Jersey City community.

Please join me in honoring the Jersey City Redevelopment Agency as they celebrate their 60th year in business and as they continue to build a better Jersey City for all residents.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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HOW MUCH MORE CAN BARACK OBAMA DISRESPECT WOMEN?

(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, the campaign of BARACK OBAMA cannot refute Governor Sarah Palin's record of change and reform as Governor of Alaska. She took on the "Old Boy Network" in Alaska and she won. She took on corruption throughout State government and rooted it out. She took on Big Oil and made it serve the interests of her State. She is a true agent of change.

So now the Obama campaign has decided that the way to get at Sarah Palin is through personal attacks and sexist insults. Yesterday, the Associated Press quoted the following: "'You can put lipstick on a pig,' Obama said to an outbreak of laughter, shouts and raucous applause from his audience, clearly drawing a connection to Palin's joke. 'It's still a pig.'"

Well, Mr. Speaker, Senator OBAMA might find such jokes funny, but women will only find them insulting. American women also understand that if this is the kind of change that Senator OBAMA is offering to America, it is really no change at all. Senator OBAMA owes Governor Palin and the women of America an apology.

WE NEED A CHANGE IN WASHINGTON

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

Mr. KAGEN. Mr. Speaker, I rise today because of a great change that is taking place in northeast Wisconsin, a change brought on by the failed economic policies of the current administration, an administration that doesn't care about people, rather, they care about corporate profits. What is taking place in Wisconsin is taking place across the middle part of this country. We are losing our jobs overseas.

The paper industry in Wisconsin is being decimated, and recently a paper mill closed. One of the families that lost their position was Bruce Van Zealand, who writes, "It turned our life upside down, working at one company for 28 years and having no other skills in this horrible job market. My wife is struggling to find a full-time job now. We cannot help out our three kids in college. We worry about losing our home."

This is the change that came about from this Republican dominated House for 12 years and the current administration. We do need a change in Washington, and the Van Zeelands need it now.

SEPTEMBER 11

(Mr. SMITH of Nebraska asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, tomorrow we will look back on a dark day which changed our Nation and the world forever.

On September 11, 2001, we felt the tremors of the World Trade Center collapsing and the attack on the Pentagon. We suffered the destruction of Flight 93 in rural Pennsylvania. And we came together as a country.

On that day, we learned those who would use terror and violence make no distinction between innocent victims and soldiers. We learned the terrible lengths terrorists would go to, and their utter disregard for human life. We mourned the loss of so many of our fellow citizens.

In the days, weeks, months and years since, we have honored the sacrifice and courage of those who showed the world America has men and women willing to lay down their lives for their fellow citizens.

Mr. Speaker, our thoughts should be on the lives lost on September 11, 2001 and of the men and women of our Armed Forces who are fighting for our freedom to this day.

□ 1015

OIL SECURITY

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

Mr. OLVER. Mr. Speaker, the cornerstone of our Republican colleagues' energy mantra these days is "Drill Now, Drill Anywhere" to eliminate our dependence on foreign oil and to bring gasoline prices now. "Drill now, drill anywhere" works more like a concrete boot than a cornerstone. In the interest of America's national security, that is just about the worst policy we could adopt.

According to our Geological Survey and our Minerals Management Survey, our total oil reserves both on land and offshore would only last 15 to 20 years at the rate America consumes oil today, which is 8 billion barrels a year and still rising. What exactly would America do in 15 to 20 years when all of our oil is used up and the only remaining sources of oil are controlled by some of the most undemocratic oil dictatorships around the world?

Think about it, America, before it's too late.

COMPREHENSIVE ENERGY REFORM; THE TIME FOR CONGRESS TO ACT IS NOW

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

Mr. LATTA. Mr. Speaker, I spent the month of August traveling throughout my district speaking with my constituents about what issues matter to them most. Hands down, energy prices are their number one concern.

As I toured factories, management explained how the rising cost of energy was forcing them to raise the cost of their products, oftentimes making foreign-made goods more appealing to consumers. When I met with farmers, they explained the high cost of fuel, fertilizer, and chemicals. Some farmers are spending over \$900 a day to run their tractors.

At our county fairs and events throughout the district, families described the impact of high gas prices and how it is affecting their spending and savings plans, putting their financial future and stability into jeopardy.

During these discussions, I took pride in telling everyone that House Republicans were fighting during the entire August recess for lower energy costs with an "all of the above" plan that includes the responsible recovery of our natural resources in addition to further development of renewable and alternative energy.

Without comprehensive energy reform, our constituents and economy will continue to suffer. It's time for Congress to act now.

STROLLING DOWN MEMORY LANE: THE BUSH PRESIDENCY

(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, with the clock winding down on the President's second term, this seems like a good time to stroll down memory lane, looking back on America then and now.

Under this President the number of Americans without health care has risen from 38 million to 46 million. Under this President the price of gasoline has risen from less than \$1.50 a gallon to \$4 a gallon. Under this President the unemployment rate has risen to over 6 percent, with millions more Americans out of work and running out of help. Under this President the prices that Americans pay for food, fuel, college, transportation, and medical costs have risen by 25 percent. And let's not forget that mortgage foreclosures are rising while housing prices are falling, like a rock. This President has been willing to bail out Wall Street but never mind Main Street.

Strolling down memory lane can be very educational, especially when you consider the President is running for an unprecedented third term. They talk about change, but only the names will change. The Republican "wreck-economic" policies that created this economic disaster will remain exactly the same. That's not nostalgia; that's a promise from this administration.

DRILL, BABY, DRILL, AND MINE COAL

(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, here's the difference between both sides. Following my colleague, who says this administration, this President, what he fails to mention is that the Democrat majority in this House for the past 2 years is part of the problem. I recognize that.

Here is the price of a barrel of crude oil when President Bush came in: \$23 a barrel. Here's the price of a barrel of crude oil when this Democrat majority came in: \$58 a barrel. Today it's at \$103. We can't sustain that. We can blame everybody we want, but this is a problem we can't sustain.

Drill, baby, drill. Here's the Outer Continental Shelf. They want to only to do 20 percent, maybe. They can't even get an agreement on what they want. This whole area should be open for exploration recovery of oil and gas in our country to help decrease our reliance on imported crude oil and lower prices, and they don't have a clue. They'll continue to say "no" to oil and gas exploration.

They won't even address coal as part of the solution. Coal is the greatest resource we have in this country.

I want to drill, baby, drill, and I want to mine coal.

IF YOU WANT CHANGE, YOU WANT THE DEMOCRATIC PARTY

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

Mr. COHEN. Mr. Speaker, it's a bit confusing sometimes to listen to the rhetoric. The Republicans have had the Presidency now for nearly 8 years, and they have had the majority in this House since 1994, I think. And if you watched the Republican convention, you would think they were the Democrats talking about change and the problems we have in Washington. They're so against Washington, it's the Washington they have created and cultivated. And the corruption that we've seen here has mostly been on that particular side of the aisle. The failure of our having a children's health plan, which this country should have as a cornerstone of its policy, was the fault of the Republican side that was more interested in tobacco interests than children's interests. And too many times we see the corporate interests of the oil corporations take over the interests of the American society and getting us to be truly energy independent.

I submit to you, Mr. Speaker, that the parties have differences, but if you want change, you want the Democratic Party. BARACK OBAMA was a community organizer like Jesus, whom our minister prayed about. Pontius Pilate was a Governor.

ENERGY

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

Mr. BARRETT of South Carolina. Mr. Speaker, it's been 5 weeks since we have been in session here on the House floor. But there have been many of us that have been on this floor throughout the month of August. We have talked directly with the American people about the immediate need for comprehensive energy legislation. And during August, it became crystal clear that there's a disconnect between what is happening on the streets of America and what is happening here in Washington, DC.

One day my colleague was talking and in a moment of doubt and frustration, he said, "I don't even know if anybody is listening," to which somebody stood up on the floor here and said, "America is listening, Congressman. America is listening." And he was right.

The American people are hurting. At a gas station in North Augusta, South Carolina, one gentleman, a special needs gentleman, came up to me and said, "Congressman, I can only afford \$39 of gas, half a tank, because that's all I have and that's got to do me."

What are we doing to help this gentleman?

Mr. Speaker, let's quit the partisanship. This is an American problem and we need American solutions. Comprehensive legislation, all of the above.

REPUBLICAN FAILURES ON THE ECONOMY; WE CANNOT AFFORD MORE OF THE SAME

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

Ms. EDWARDS of Maryland. Mr. Speaker, Americans everywhere are paying the high price of 7 years of failed Republican economic policies that have favored the wealthiest few and the big corporations at the expense of middle class families, including in my State of Maryland.

Today, 3.4 million more Americans are unemployed than when President Bush took office 7 years ago. This year alone more than 600,000 jobs have been lost. Economists estimate that our economy must create at least 150,000 jobs every month. Well, this administration hasn't done that.

The job losses that have occurred on President Bush's watch stand in stark contrast to the millions of jobs created under President Clinton's economy back in the 1990s. Over this same 8-month period in Clinton's second term, the economy created 1.4 million jobs, and we have lost 600,000 jobs under this administration just this year alone.

Mr. Speaker, for 6 years straight, Washington Republicans implemented economic policies that favored the interests of Wall Street over the interests of Main Street. It's time for a dramatic change, one that takes us away from the failed Republican policies of the last 8 years and enables us to really tackle the challenges of the 21st century.

THE FAILED ECONOMIC POLICIES OF THE DEMOCRATS

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

Ms. FOXX. Mr. Speaker, when I first came to the Congress, I was appalled at the comments that were being made on the other side. Having come from a legislative position, I was not used to people getting up and telling out-and-out boldfaced untruths. It has been a real learning experience for me, but that has continued particularly in the last 2 years with our colleagues on the other side. They stand up here and try to blame what has happened in this country in the last 2 years on the President of the United States when the Democrats are in charge of the Congress.

One of the best things we accomplished during the month of August, when Republicans stood on this floor for 5 weeks while Democrats were on vacation, was call attention to the fact that the Democrats are in charge. The failed economic policies of the past 2 years belong strictly to the Democrats because they have allowed gas prices to double and they have done absolutely nothing.

Now they're bringing up a bill they say that's going to do something about gas prices. Well, I think that bill will probably deserve the "Emperor's New Clothes" award and somebody is going to have to say that.

HEALTH CARE

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

Mr. ALTMIRE. Mr. Speaker, while some in the minority party and in the Presidential race are trying to recast themselves as agents of change, nothing could be further from the truth. In fact, the Republicans controlled this House for the first 6 years of the Bush administration and in the past 2 years they have done little more than obstruct our attempts to correct the misguided policies of the past.

In the past 8 years, the number of Americans living without health insurance has increased by more than 7 million. Today nearly one in nine children lack health insurance. After retaking control of Congress, we tried not once but twice to ensure that 10 million children had access to health care through the Children's Health Insurance Program, which serves families that are working hard and playing by the rules but can't afford health care for their kids. And although we were able to pass the bill through Congress, President Bush vetoed it twice and Senator MCCAIN recently said that was the right decision.

Mr. Speaker, we must work together to find ways to improve our health care system, especially for our children. More of the same just won't do.

SUSPENSION BILLS: MAJOR POLICY DECISIONS BY THE LEADERSHIP OF THE MAJORITY PARTY

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

Mr. BURGESS. Mr. Speaker, I came to the floor of the House this morning to talk about energy. But I just want to say a word about what was just discussed.

We have had major policy decisions in health care come to the floor of this House, not through my Subcommittee on Health in Energy and Commerce, not through the full Committee on Energy and Commerce. No. It comes directly from the Speaker's Office to the floor of the House. It comes up under suspension because who wants to vote against health? Who wants to vote against doctors?

But the reality is major changes in public policy are going on with no discussion in committee, no ability to amend or improve a bill on the floor of the House, no ability to offer an alternative before we vote because they are brought up under suspension.

This is wrong and this is indicative of the type of leadership that this House has had for the last 20 months. This is what the American people say they want changed. When they talk about change, they're talking about change from the top, and it's high time it happened.

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

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

Mr. PERLMUTTER. Mr. Speaker, you can put lipstick on the failed Bush-McCain policies, but they are still the same old Bush-McCain policies. And those Bush-McCain policies have led our Nation into a recession. Americans need a new direction and a change.

Since taking control of Congress last year, congressional Democrats have been working to rebuild the Bush-McCain economy and help families struggling to make ends meet. We started by enacting the first increase in the Federal minimum wage in almost a decade, directly helping an estimated 5.3 million Americans and setting a new wage floor for another 7.2 million lower wage workers. When it's fully phased in, the pay raise will place an additional \$4,400 in the paychecks of these workers. This year we extended assistance to unemployed workers who are having a difficult time finding a job in a Bush-McCain economy that is simply not producing jobs. Now we are preparing to introduce a new economic package that will invest in America and create new jobs.

Mr. Speaker, Congress cannot afford to wait to jump-start this economy. We must act this month.

□ 1030

LET'S NOT BEG OPEC

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

Mr. TERRY. Yesterday, OPEC met. OPEC decided to cut production because they were frustrated that the price per barrel was nearing the \$100 per barrel price. My goodness. What a tragedy for them. Isn't it a problem for this country that we rely so heavily on foreign oil? OPEC controls the majority of oil production. Our energy policy should not have to be begging OPEC for more production.

Yesterday, our electric company that serves my district announced they're raising the rates because the train company that hauls the coal to them had to raise their rates because the price of diesel fuel has gone up so much. So the electrical rates of every consumer, every household in Omaha, is going to have double digit inflation on their electric bill.

Please, Mr. Speaker, let the madness stop. Let's do a real energy bill.

THEY PUT US IN THIS SITUATION

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

Mr. MORAN of Virginia. Mr. Speaker, for the last 8 years, our President and Vice President the founder of Bush Oil Exploration and the former CEO of Halliburton, the world's largest oil servicing firm, have had this country focused almost exclusively on drilling for fossil fuels, the use of oil and gas to power our economy. This administration issued 40,000 permits for drilling on public land onshore, and made 300 million acres offshore available to oil and gas companies. They still have 68 million acres of proven reserves that they are not drilling on.

But what is the focus now? Let's go after that last remaining 20 percent, even though it's the most environmentally sensitive, even though it will devastate the tourism industry and fishing industry of several states. Let's go after that. That's the answer. Forget the fact that we opposed research into solar power, cutting it by 80 percent, cutting wind power research and opposing more fuel efficient engines.

They put us in this situation, and now they want more of the same. And they're wrong.

A RESPONSIBLE ENERGY POLICY MUST INCLUDE SOLAR TAX CREDITS

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

Ms. GIFFORDS. There are three big problems that face America today. First, our dependence on foreign oil; second, climate change; and third,

America's innovation and the fact that we are not as competitive as this country needs to be. One of the best solutions to these three major problems is solar energy.

The investment tax credit, Mr. Speaker, the ITC, will expire at the end of the year. At home in southern Arizona and across this great Nation, free energy radiates from the sky almost every day of the year. Across my district, residents, businesses, utilities, and individuals are all working to do their part to take advantage of that sunshine. But major projects, large projects, but also small projects, will not move forward without the extension of the ITC.

Southern Arizonans are willing to do their part. We here in Congress have to do ours by working across party lines and working in the Senate to ensure that the ITC is extended. This is critical for our country, for our competitiveness, for climate change, and for ending our dependency on foreign oil.

I urge my colleagues to work together to pass the ITC.

HOUSE DEMOCRATS CONTINUE TO SUPPORT BILLS THAT PROVIDE AMERICANS RELIEF AT THE PUMP

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

Mr. STUPAK. Mr. Speaker, back in 2003, congressional Republicans supported the Bush-Cheney energy bill that was written in secret by Big Oil. And, boy, are we paying.

Three years later, we have record prices for consumers and record profits for the oil companies. Since taking control of Congress last year, Democrats have worked hard to reverse these failed energy policies.

For the first time in 32 years, we increased the fuel efficiency standards for vehicles so they will be more efficient, which will save Americans about \$1,000 a year. We also made a historic commitment to investing in biofuels and increasing domestic oil supply and drill responsibly.

This is a good start, but more needs to be done. That's why House Democrats brought eight pieces of legislation up in July to cut the high cost of gas, and Republicans opposed every one of those bills.

Mr. Speaker, it's time for House Republicans to work with us Democrats to provide the American people lower costs at the pump and lower costs in the grocery store by ending the excessive Wall Street speculation in our energy markets and increasing our energy and food costs. Mr. Speaker, it's time to end the manipulation of prices by Wall Street and the excessive speculation, to lower prices and save this American economy.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 35 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1220

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SALAZAR) at 12 o'clock and 20 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 3667, MISSISQUOI AND TROUT RIVERS WILD AND SCENIC RIVER STUDY ACT OF 2008

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1419 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1419

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill pursuant to Part II of House Report 110-668. That committee amendment in the nature of a substitute shall be considered as read. All points of order against that committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to that committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amend-

ment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3667 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. House Resolution 1399 is laid on the table.

The SPEAKER pro tempore. The gentleman from Vermont is recognized for 1 hour.

Mr. WELCH of Vermont. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington, my friend, Mr. HASTINGS. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. WELCH of Vermont. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend remarks on House Resolution 1419.

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

There was no objection.

Mr. WELCH of Vermont. Mr. Speaker, I yield myself such time as I may consume.

H. Res. 1419 provides for the consideration of H.R. 3667, the Missisquoi and Trout Rivers Wild and Scenic Study Act of 2008, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Natural Resources, makes in order three amendments printed in the Rules Committee report, and provides one motion to recommit with or without instructions.

Mr. Speaker, I want to thank Chairman RAHALL and Representative GRIJALVA, Ranking Members YOUNG and BISHOP for helping to bring this bill to the floor today. And I would like to thank the staff of the Natural Resources Committee for their very hard work on a bill that is of great importance to my State of Vermont.

The Missisquoi and Trout Rivers are two of the most beautiful rivers in the most beautiful State in the Nation, and that, with all due respect to the man from Washington, I claim to be the State of Vermont. These rivers are bordered by the largest and perhaps the highest quality silver maple floodplain forest remaining in our State of Vermont. They are also home to diverse animal life, including brook trout, rare freshwater mussels, and spiny soft shell turtles. It's a favorite walking, hiking, fishing area for many people in northern Vermont and, indeed, from Upstate New York and all around Vermont.

Additionally, the Missisquoi River is part of this extraordinary 740-mile northern forest canoe trail, which is

home to some of the best flat-water canoeing in Vermont and in the Northeast. Both of these rivers are highly valued by the surrounding towns and the communities. It has great recreational areas, swimming pools, and boating. Vermont parents that grew up swimming in these rivers take their kids back there, and it's a place in Vermont of just extraordinary scenic and natural beauty.

The bill, as these study bills all do, provides for a study of the two rivers, and it represents a first step toward protecting Abenaki Indian archeological sites along the flood plains, protecting scenic waterfalls and gorges, and a way of life that has been in these communities surrounding the two rivers for generations.

Passage of the rule will allow the Missisquoi and Trout Rivers Wild and Scenic River Study Act to be considered on the floor by the full body, and I urge support of this rule and the underlying bill.

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

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend from Vermont (Mr. WELCH) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, my colleague has spoken at length about the reasons—though not as long as I thought he would, let's put it that way—why he believes these stretches of the river in Vermont to be studied for the designation as Wild and Scenic, and it's very clear that he strongly believes in this bill to enact this study. He obviously has a great deal of love for his State when he challenges all of the other 49 States as not being as beautiful, at least indirectly, as Vermont. And I would just point out to him that in my State we have so much geographic diversity as far as beauty is concerned, from one area of the State where we have more rainfall than anyplace in a country—I'm not talking about Seattle; I'm talking about the Olympic Peninsula—to the area where I live, which is a desert area that has in some areas where I live less than 7 inches of rain. So I invite my friend any time he wants to come out to see what real beauty is in a short period of time, and he may want to ask me up there and I might respond to that.

But having said all of that, Mr. Speaker, I believe it's fair to say that the American people, frankly, are far less concerned about the rivers in Vermont and are far more concerned about the high price of gasoline and the fact that Congress is not acting right now on real solutions to lower energy costs.

The House of Representatives will spend over 2½ hours today discussing rivers in Vermont but not 1 minute,

Mr. Speaker, not 1 minute, on actual legislation to lower the price of gasoline. I really believe that the priorities of this Congress since we have come back from the 5-week August vacation are wrong. High gas and energy prices are hurting American workers and it's hurting our Nation's economy.

□ 1230

With jobs at stake, Mr. Speaker, this Congress twiddles its thumbs and busies itself once again, as we did earlier in the year, naming post offices and, today, studying the value of rivers in Vermont, in all deference to my friend from Vermont.

Mr. Speaker, this House should be permitted to have a "yes" or "no" vote on legislation to expand alternative energy sources and to lift the ban on drilling offshore, both coasts, Mr. Speaker, and in ANWR and other Alaskan lands in Alaska. But, unfortunately, the liberal leaders in this Congress have blocked, up to this point have blocked, a fair "yes" or "no" vote for months because I believe, Mr. Speaker, and I believe the majority of Members of this body knows that if we were to put the all-of-the-above energy plan up for a vote, that a majority of this House would vote for it. But we have been denied that opportunity time after time after time. Instead, they voted to go on a 5-week vacation in August to avoid working to lower gas prices, to protect American jobs, to make our Nation more energy independent.

But, Mr. Speaker, I want to say that during that time since the adjournment for the 5-week vacation, a number of my Republican colleagues, 136 of my Republican colleagues, were here every day for several hours a day, trying to attempt to call the ask the Speaker to call Congress back in session. Unfortunately, that didn't happen. So now we are back here again on a regularly scheduled basis, and we will certainly have an opportunity to have a vote on the all-of-the-above, and I will talk about that more later.

But, Mr. Speaker, in the past, in the past, Senator BARACK OBAMA, Senator JOE BIDEN, Senator HARRY REID, and Speaker NANCY PELOSI, they are the leaders of the Democrat Party here in the U.S. Congress. Yet the one thing, other than being Democrat leaders, the one thing they all have in common, Mr. Speaker, is that they have in the past always opposed offshore drilling and drilling in Alaska. I think the majority of the Americans feel contrary to that view. And they fight and block any action on that at every turn. They refuse to act and to allow a vote on a drilling and alternative energy plan that would ultimately lower gas prices.

To me, Mr. Speaker, I just simply have to say in this election year that it's clear that liberalism has been put ahead of the need to help American workers and families struggling with high gas prices. We need to end the stranglehold that they have on Amer-

ica's ability to produce more of its own energy and on American jobs and the economy. And we can do that, Mr. Speaker, very simply by opening the resources that we have in this country. We need to change their no, no, no stance on producing more American energy.

This Congress, Mr. Speaker, and we all know this, needs to vote on the all-of-the-above energy plan. In that plan it includes promoting alternative energy sources, like wind and solar power. I might add parenthetically, Mr. Speaker, that we have a nuclear plant in my district, we have hydro plants in my district, and we have wind machines in my district. I am all in favor of all of the above, and our all-of-the-above energy plan includes precisely that.

This plan recognizes the need for more nuclear power. As I mentioned, I have a nuclear power plant in my district. Of course, it protects the value of hydropower, and that is the most abundant energy source for us in the Northwest. But it also allows, while we transition to a new energy source in the future, it allows drilling offshore and in Alaska and on other Federal lands.

Mr. Speaker, it really is time for the liberal leaders of this Congress to stop blocking a vote on producing more American-made energy. It's time for Members of Congress to stop hiding and to start voting.

Mr. Speaker, we all know that we are not elected to avoid taking positions on tough issues. We are elected to stand up and resolve those tough issues for the American people. So it's time for Congress to set aside naming post offices; in deference, again, to my friend from Vermont, studying rivers. It's time to get serious about addressing the high cost of gasoline and voting yes or no on real solutions, including drilling offshore and in Alaska.

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

Mr. WELCH of Vermont. I am the last speaker on our side, so I will reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, the gentleman is the last speaker, and he is prepared to close. I know I have several Members that have asked for time. So, Mr. Speaker, I will yield myself such time as I may consume until other Members come to the floor.

Mr. Speaker, I mentioned just briefly in my remarks that after the adjournment prior to the 5-week vacation and, by the way, that adjournment resolution was passed on a straight partisan vote. Every Republican voted against it because we felt we needed to stay here to help resolve the energy problem rather than go on a 5-week vacation. But there were a number of Members, I can mention 136 Members, that came down here and talked about the need for energy.

During that time, Mr. Speaker, the lights were off here, the microphones were off, and the cameras were off. Yet

there were a number of tourists, as we always have coming through the U.S. Capitol, their Capitol, and they were invited to sit on the floor and talk with us, interact with Members that came down and spoke.

The 2 days that I was here, and I admit I was only here 2 of those days, the last 2 days, and I had private conversations with a number of tourists that came through here. I have to say they were not from the Northwest, although there were some from the Northwest, but there were some from the South, and they were all kind of perplexed as to why the people's House, the House of Representatives, probably the genius part of our Founding Fathers in making a representative body, of which all Members that have served there, and there are slightly over 11,000 Members that have served in this body and, Mr. Speaker, every one, every one of those Members have been elected to this House. There has never been a Member that was appointed to the U.S. House of Representatives.

Now why do I say this in the context of energy prices? The genius of our Founding Fathers was that the House of Representatives and the fact that every one was elected is probably more in tune to what the people's wishes are across the country.

And so they were, frankly, the people I talked to, perplexed. Well, if this is the people's House, why haven't you had the opportunity to have a vote, just a vote up or down, recognizing, listen, we know that a majority rules, and I am prepared to take the consequences of that if my position on any issue fails to get a majority vote. I recognize that. I think every Member of Congress understands that. But to not have the opportunity, not have the opportunity to even vote, even vote on a proposal, really perplexes the tourists that came through here the 2 days I was on the floor.

In talking to my other colleagues, some of whom were down here as many as 13 days, and more, they had what I would say were similar experiences with their conversations with people that came through here.

Mr. Speaker, I mentioned that my district is the district that in central Washington that is a center of virtually—I won't say all, but a great deal—of electricity that is produced in the Pacific Northwest. Within my district, for example, probably the hydroelectric facility that most Americans can associate with is Grand Coulee Dam. Half of that dam is in my district and the other half is in my colleague's from the Fifth District, CATHY MCMORRIS RODGERS' district.

But, in addition to that, I have up to 10 dams that are wholly within my district or I share with other Members of Congress, including my friend and colleague from across the river in Oregon, GREG WALDEN. There are three dams there where we share half of those dams.

That produces about 70 percent of the electricity in the northwest. It is renewable, Mr. Speaker. It is absolutely renewable, and we need to expand that, and a portion of expanding hydropower is in the all-of-the-above energy plan I talked about earlier that we have been denied a vote on. We have been denied a vote on.

Furthermore, I mentioned that I have wind plants in my district. Because generally in areas that I mentioned earlier on, that there was not a whole lot of rainfall in certain parts of my district, but the wind does blow. Now the wind, of course, is only good if the wind blows. But if the wind blows, it adds to the other facilities, like hydro, like hydro, or like nuclear. And I have a nuclear plant in my district.

What I am saying, Mr. Speaker, is that my constituents are well aware that we need to have a diverse energy portfolio. Without having an opportunity in the people's House to at least address the issue of all of the above, seems to me to be contrary, seems to me to be contrary to what this Congress is all about, and indeed what the House of Representatives is all about as it was envisioned by the Founders.

With that, Mr. Speaker, I have talked about what we did in August, and I have talked about the fact that up until August, and now we have a new session coming in after the break, that the Democrats have blocked and blocked any vote on lifting the ban.

But I have heard during the break that there are a number of brave Democrats who I think went home, talked to their constituents, and find out that their constituents were saying we need to become more energy independent. As a result, they proclaim that they support now offshore drilling to increase the supply of gasoline and oil and to make America more energy independent.

Well, listen. To all of my colleagues that maybe during the August break and having listened to their colleagues or to their constituents at home, I have a very positive message for you, and I have an opportunity for you, because by voting against the previous question, Mr. Speaker, all of my colleagues can prove that you are supporters of drilling and producing American-made energy. Of course, if you do not, that means that you side, of course, with Speaker PELOSI and you oppose drilling.

By defeating the previous question, Mr. Speaker, I will move to amend the rule to make in order H.R. 6566, the American Energy Act, and I have talked at length about what it is. This bill will reduce the price at the pump by enacting an all-of-the-above energy strategy. Once again, what it does, it increases the supply of American-made energy by using environmentally sound technology and innovations. It does so by improving conservation and efficiency and, Mr. Speaker, it promotes a diversity by renewing alternative energy sources, like wind that I had talked about, and solar.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I again ask my colleagues to vote "no" on the previous question so that Congress, as they return from the 5-week recess—vacation, in some people's terms—and begin the work here in the fall before the election, so that we can finally vote, Mr. Speaker, on real solutions to the real and painful problem of high gas and energy prices.

American workers and families are hurting. Congress can help, can help today by voting on and passing this legislation, the American Energy Act.

Mr. Speaker, I think it's time to show whether you're really for lowering gas prices or whether you will continue to vote in lockstep with those against lifting the ban on offshore drilling and promoting alternative energy.

Mr. Speaker, I urge my colleagues to vote "no" on the previous question.

With that, I yield back my time.

□ 1245

Mr. WELCH of Vermont. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am shocked that my friend from Washington would question my assertions about the beauty of Vermont, and I will invite the Member from Washington to come to Vermont so I can let you firsthand experience the evidence that I have had so much opportunity to observe myself.

By the way, I have been to Washington. I climbed Mt. Rainier three times and was out on the San Juan Islands.

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. WELCH of Vermont. For bragging about Washington, yes, I will.

Mr. HASTINGS of Washington. Well, of course I am going to do that. And, listen: Mt. Rainier I can see from my district on a clear day, because it is 14,410 feet high. But it is quite a view when you view it from a desert setting. So I invite you the next time you come back to come over to my district for all the great wines, where the wine grapes are grown, by the way. And I understand my friend likes to have a cold beer once in a while. The taste of that beer comes from the hops that are grown in my district.

So, Mr. Speaker, I appreciate my friend yielding on that basis, and I look forward to his visit. I appreciate it and yield back to him.

Mr. WELCH of Vermont. Thank you, my friend from Washington. We better get back to the focus at hand, because now Vermont quality beer has been challenged as well as the beauty of Vermont rivers. So we will just call

this part of the debate a draw and proceed.

Two things in response to comments made by my friend from Washington. Number one, it appears that there are no reservations or no stated objections to the study itself that is, frankly, quite important to Vermont. This is a very special part of our State that has the opportunity with the benefit of this study to be preserved for generations ahead, just as it has been cared for and enjoyed by generations in the past. So it is a very, very serious issue to the folks in Vermont. It is just a very special place.

The gentleman has not raised any specific objections. His objections are more in the nature of spending time on this instead of spending time on something else. So I would urge the Members to take that into account when they are voting on the previous question.

Second, I will address the energy arguments. This has been the refrain on the part of our friends on the other side as a response to every piece of business that we are doing on behalf of the American people. I think it has become apparent that this has become much more of a political debate than it has been an effort substantively to solve a very, very serious problem. Let me give a little commentary about that.

Number one, my friends on the other side have been in control of this institution and had the Presidency and the control of Congress for the past 12 years, until this Congress, and had an opportunity to enact comprehensive energy legislation when it was quite apparent to the American people that the problem of our excessive dependence on oil was a real and urgent problem.

They did nothing. In fact, the energy act they passed quite astonishingly provided taxpayer incentives, tax deductions, tax credits, to oil companies that were enjoying record profits. It is a mature industry, it is a profitable industry, yet the energy policy that was pursued and failed by our friends on the other side during the 12 years they were in charge basically was to give oil companies more taxpayer money.

It made no sense. There was no effort to use the power they had of the majority to bring to the floor legislation that would promote alternative energy. There was no effort to take the power that they had and provide tax incentives for the alternative energy industries that we know we must support if we are going to reduce and ultimately eliminate our dependence on foreign oil.

Mr. HASTINGS of Washington. Would the gentleman yield on that point?

Mr. WELCH of Vermont. I won't yield. My intention, my friend from Washington, is to respond and bring this to a close, thank you.

So, number one, we are hearing objections from people who when they had the power to do the things they

claim they want to do, didn't use the power they had to accomplish those objectives.

Number two, when we have brought forward legislation and passed it, it has been with their objection. And what they claim they want to do are many things that we did over their objection. I will give a few examples.

To deal with the short-term price pressure at the pump and with home heating oil, this House of Representatives passed legislation that I sponsored to stop filling up the Strategic Petroleum Reserve and take off some of the demand on oil. That has contributed to helping bring down the price of gas at the pump by 5 to 25 cents a gallon.

Secondly, this House of Representatives has gotten tough on speculators. The evidence is overwhelming that part of the runup in the price of gasoline when it was heading up to \$150 a barrel was because of the speculative control and influence of hedge funds in foreign trading operations. We brought to this floor legislation, and just the fact that we did it finally, when it was ignored and accepted and mollified by our friends who were in control for 12 years, has helped bring down that speculative premium.

There is no justification for any one of our constituents when they pay for a gallon of gasoline or a gallon of home heating oil or a cubic gallon of natural gas to have included in their price a speculation premium for profiteers, and this Congress passed legislation to challenge that, against the opposition of our friends on the other side. So we have taken very specific actions to try to do what we reasonably can do to bring down the price pressure that is ripping off the American consuming public.

Second, we have passed energy legislation that is comprehensive, again over the opposition of our friends on the other side. One of the things we did was provided for tax credits for the alternative energy industry. We have to do that. That is of urgent, vital economic and environmental concern to this country.

We passed legislation that took away the tax breaks that are going to oil companies. There is no basis whatsoever to ask the taxpayer to pad the profits of a mature and profitable industry. They don't need it. They are doing quite well without additional taxpayer money to their bottom line.

But the new industries, the alternative energies that my friend from Washington mentioned, wind and solar, geothermal and biomass, they do need a boost, and historically when we have been at our best is when we have had the wisdom to use tax policy in a targeted and focused way to give a boost to these emerging industries and technologies that are good for the American economy and good for our environment, and that is what we need to do.

We have passed this in the House several times. Our friends on the other

side opposed it. Our friends in the Senate won't move on it. We are prepared to do it again. But the suggestion that has been made repetitively, over and over again, that the leadership of the Democratic Party in the House of Representatives is standing in the way of energy policy is flat out wrong. It is flat out false. Why is it being offered? It is being offered for political purposes, I would suggest.

Now, let me tell you this: That although we have passed comprehensive energy legislation several times in this House, although each time we have done it we have had to overcome the opposition of our friends on the other side, and although every time we bring up a legitimate piece of legislation that is part of the public business that this Congress must conduct, whether it is a study on the Missisquoi River, an energy bill or any other bill, every time we do our friends try to cease the debate and distort what has happened, we are prepared, as the gentleman from Washington knows, we in the Democratic Party, our leadership is prepared to bring up yet another comprehensive energy bill that does include all of the above.

The fact is, on our side we have passed all of the above time and time again, against the opposition of our friends on the other side, and then it has run into a brick wall in the other body or the steadfast opposition of the President of the United States. But the gentleman from Washington is aware that the leadership is prepared to bring up yet another bill to give us another opportunity to do the right thing.

Let me say this: I actually think it would be great to work together with the other side. I come from a State where we shift majorities back and forth. Sometimes the Democrats were in control, sometimes the Republican were in control. I was the senate president and I was the minority leader. I learned that in order for us ever to get anything done, we had to ultimately work together. I also came to understand that neither side had an absolute claim that they were the only people who had a good point of view, who had an iron grip on truth.

I believe that it would be best for all of us if there was some willingness to try to work on the substance, rather than just use this as a political football, and my observation is that for whatever reason, it is tough to get to that point here in the House of Representatives in Washington.

Mr. HASTINGS of Washington. Will the gentleman yield on that point?

Mr. WELCH of Vermont. I wouldn't yield, my friend, because I will be bringing this to a close.

I want to take the opportunity, as I must, when the assertions are made, falsely in my view, that the Democratic leadership is standing in the way of energy policy change, that is just flat-out wrong. The energy for energy reform has come from the leadership on the Democratic side. Frankly, it has

come from the American people, who are tired of a Congress that passed off as an energy policy giving more money to the oil companies.

We have to make a fundamental decision in this hyper-political atmosphere of a presidential election whether we want to continue politics as usual, which in my view is a dead end, or we want to work together to achieve what we know is important for the American people, that is, short-term relief for prices at the pump, and it is a long-term energy policy that frees us from the dependence on oil from foreign countries.

So, Mr. Speaker, having said that, let me just close by coming back to this very important bill. It is a study. It is not necessarily important for many other parts of the country. But one of the things that makes this Congress and this country great is mutual respect. When there is a disaster in the Gulf Coast, all States pull together to help out. When there is flooding in the Midwest, all States pull together. When there is an opportunity for a small State like Vermont to take a step with Wild and Scenic River study that will help us and help our citizens enjoy the beauty of our land, I seek the help of my colleagues to let us accomplish that goal.

It is my request and my urging that all Members vote "yes" on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1419 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 4. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 6566) to bring down energy prices by increasing safe, domestic production, encouraging the development of alternative and renewable energy, and promoting conservation. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the majority and minority leader, and (2) an amendment in the nature of a substitute if offered by the majority leader or his designee, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

Mr. WELCH of Vermont. Mr. Speaker, my understanding is it is my opportunity now to yield back the balance of my time and move the previous question.

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

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

Mr. HASTINGS of Washington. 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, further proceedings on this question will be postponed.

AUTHORIZING THE SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES RELATING TO HOUSE RESOLUTION 1420 ON LEGISLATIVE DAY OF THURSDAY, SEPTEMBER 11, 2008

Mr. WELCH of Vermont. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to entertain motions to suspend the rules relating to House Resolution 1420 on the legislative day of Thursday, September 11, 2008.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order: ordering the previous question on H. Res. 1419, by the yeas and nays; adoption of H. Res. 1419, if ordered; motions to suspend the rules on H.R. 1527 and Senate bill 2617, 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.

PROVIDING FOR CONSIDERATION OF H.R. 3667, MISSISQUOI AND TROUT RIVERS WILD AND SCENIC RIVER STUDY ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on H. Res. 1419, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 224, nays 189, not voting 20, as follows:

[Roll No. 576]

YEAS—224

Abercrombie	Capps	DeFazio
Ackerman	Capuano	DeGette
Allen	Cardoza	Delahunt
Altmire	Carnahan	DeLauro
Andrews	Carney	Dicks
Arcuri	Carson	Dingell
Baca	Castor	Doggett
Baldwin	Chandler	Doyle
Barrow	Clarke	Edwards (MD)
Bean	Clay	Edwards (TX)
Becerra	Cleaver	Ellison
Berkley	Clyburn	Ellsworth
Berman	Cohen	Emanuel
Berry	Conyers	Engel
Bishop (GA)	Cooper	Eshoo
Bishop (NY)	Costa	Etheridge
Blumenauer	Costello	Farr
Boren	Courtney	Fattah
Boswell	Cramer	Filner
Boucher	Crowley	Foster
Boyd (FL)	Cuellar	Frank (MA)
Boyd (KS)	Cummings	Giffords
Brady (PA)	Davis (AL)	Gillibrand
Braley (IA)	Davis (CA)	Gonzalez
Brown, Corrine	Davis (IL)	Green, Al
Butterfield	Davis, Lincoln	Green, Gene

Grijalva	McGovern	Schakowsky
Gutierrez	McIntyre	Schiff
Hall (NY)	McNerney	Schwartz
Hare	Meek (FL)	Scott (GA)
Harman	Meeks (NY)	Serrano
Hastings (FL)	Melancon	Sestak
Heller	Michaud	Shays
Herseth Sandlin	Miller (NC)	Shea-Porter
Higgins	Miller, George	Sherman
Hinchey	Mitchell	Shuler
Hirono	Mollohan	Sires
Holden	Moore (KS)	Skelton
Holt	Moore (WI)	Slaughter
Honda	Moran (VA)	Smith (WA)
Hooley	Murphy (CT)	Snyder
Hoyer	Murphy, Patrick	Solis
Insee	Murtha	Space
Israel	Nadler	Speier
Jackson (IL)	Napolitano	Spratt
Jackson-Lee	Neal (MA)	Stark
(TX)	Oberstar	Stupak
Jefferson	Obey	Sutton
Johnson (GA)	Olver	Tanner
Johnson, E. B.	Ortiz	Tauscher
Kagen	Pallone	Taylor
Kanjorski	Pascrell	Thompson (CA)
Kaptur	Pastor	Thompson (MS)
Kildee	Payne	Tierney
Kilpatrick	Perlmutter	Towns
Kind	Pomeroy	Tsongas
Klein (FL)	Porter	Udall (CO)
Kucinich	Price (NC)	Udall (NM)
Langevin	Rahall	Van Hollen
Larsen (WA)	Rangel	Velázquez
Larson (CT)	Reichert	Vislosky
Lewis (GA)	Reyes	Walz (MN)
Lipinski	Richardson	Wasserman
Loeback	Rodriguez	Schultz
Lofgren, Zoe	Ros-Lehtinen	Waters
Lowey	Ross	Watson
Lynch	Rothman	Watt
Mahoney (FL)	Roybal-Allard	Waxman
Maloney (NY)	Ruppersberger	Weiner
Markey	Rush	Welch (VT)
Marshall	Ryan (OH)	Wexler
Matheson	Salazar	Wilson (OH)
Matsui	Sánchez, Linda T.	Woolsey
McCarthy (NY)	Sanchez, Loretta Sarbanes	Wu
McCollum (MN)		Yarmuth
McDermott		

NAYS—189

Aderholt	Diaz-Balart, M.	Kingston
Akin	Donnelly	Kirk
Alexander	Doolittle	Kline (MN)
Bachmann	Drake	Knoellenger
Bachus	Dreier	Kuhl (NY)
Barrett (SC)	Duncan	LaHood
Bartlett (MD)	Ehlers	Lamborn
Barton (TX)	Emerson	Lampson
Biggart	English (PA)	Latham
Bilbray	Everett	LaTourette
Bilirakis	Fallin	Latta
Bishop (UT)	Feeney	Lewis (CA)
Blackburn	Flake	Lewis (KY)
Blunt	Forbes	Linder
Boehner	Fortenberry	LoBiondo
Bonner	Fossella	Lucas
Bono Mack	Fox	Lungren, Daniel E.
Boozman	Franks (AZ)	Mack
Boustany	Frelinghuysen	Manzullo
Brady (TX)	Gallely	Marchant
Broun (GA)	Garrett (NJ)	McCarthy (CA)
Brown (SC)	Gerlach	McCaul (TX)
Brown-Waite,	Gilchrest	McCotter
Ginny	Gingrey	McCreery
Buchanan	Gohmert	McHenry
Burton (IN)	Goode	McHugh
Buyer	Goodlatte	McKeon
Calvert	Granger	McMorris
Camp (MI)	Graves	Rodgers
Campbell (CA)	Hall (TX)	Hastings (WA)
Cantor	Hastings (WA)	Mica
Capito	Hayes	Miller (FL)
Carter	Hensarling	Miller (MI)
Castle	Herger	Miller, Gary
Chabot	Hill	Moran (KS)
Childers	Hobson	Murphy, Tim
Coble	Hoekstra	Musgrave
Cole (OK)	Hunter	Myrick
Conaway	Inglis (SC)	Neugebauer
Crenshaw	Issa	Nunes
Cubin	Johnson (IL)	Paul
Culberson	Johnson, Sam	Pearce
Davis (KY)	Jones (NC)	Pence
Davis, David	Jordan	Peterson (PA)
Deal (GA)	Keller	Petri
Dent	King (IA)	Pickering
Diaz-Balart, L.	King (NY)	Platts

Poe Saxton Tiberi Lowey Pascrell Solis Weldon (FL) Wilson (NM) Young (AK)
 Price (GA) Scalise Turner Lynch Pastor Space Weller Wilson (SC) Young (FL)
 Pryce (OH) Schmitt Upton Mahoney (FL) Speier Westmoreland Wittman (VA)
 Putnam Sessions Walberg Maloney (NY) Spratt Whitfield (KY) Wolf
 Radanovich Shadegg Walden (OR) Stark
 Regula Shimkus Walsh (NY) Stupak
 Rehberg Shuster Wamp Matheson Rallah Sutton
 Renzi Simpson Weldon (FL) Rangel Tanner
 Reynolds Smith (NE) Weller Reyes Tauscher
 Rogers (AL) Smith (NJ) Westmoreland Richardson Taylor
 Rogers (KY) Smith (TX) Whitfield (KY) McDermott Rodriguez
 Rogers (MI) Souder Wilson (NM) McGovern Ross
 Rohrabacher Stearns Wilton (SC) McIntyre Rothman
 Roskam Sullivan Wittman (VA) McNeerney Roybal-Allard
 Royce Tancredo Wolf Rappersberger
 Ryan (WI) Terry Young (AK) Meeks (NY) Rush
 Sali Tiahrt Young (FL) Melancon Michaud Salazar Ryan (OH)
 Udall (NM)

Hulshof Peterson (PA)
 Hunter Pitts
 Kennedy Ramstad
 Lee Scott (VA)
 Levin Sensenbrenner
 McNulty Thornberry
 Peterson (MN)

NOT VOTING—20

Baird Hinojosa Peterson (MN)
 Burgess Hodes Pitts
 Cannon Hulshof Ramstad
 Cazayoux Kennedy Scott (VA)
 Davis, Tom Lee Sensenbrenner
 Ferguson Levin
 Gordon McNulty Thornberry

□ 1325

Messrs. KINGSTON, WITTMAN of Virginia, HALL of Texas, and EHLERS changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

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

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 190, not voting 20, as follows:

[Roll No. 577]
 YEAS—223

Abercrombie Conyers Grijalva
 Ackerman Cooper Gutierrez
 Allen Costa Hall (NY)
 Altmire Costello Hare
 Andrews Courtney Harman
 Arcuri Cramer Hastings (FL)
 Baca Crowley Herseth Sandlin
 Baldwin Cuellar Higgins
 Barrow Cummings Hinchey
 Bean Davis (AL) Hirono
 Becerra Davis (CA) Holden
 Berkley Davis (IL) Holt
 Berman Davis, Lincoln Honda
 Berry DeFazio Hooley
 Bishop (GA) DeGette Hoyer
 Bishop (NY) Delahunt Insee
 Blumenauer DeLauro Israel
 Boren Dicks Jackson (IL)
 Boswell Dingell Jackson-Lee
 Boucher Doggett (TX)
 Boyd (FL) Donnelly Jefferson
 Boyda (KS) Doyle Johnson (GA)
 Brady (PA) Edwards (MD) Johnson, E. B.
 Braley (IA) Edwards (TX) Kagen
 Brown, Corrine Ellison Kanjorski
 Butterfield Ellsworth Kaptur
 Capps Emanuel Kildee
 Capuano Engel Kilpatrick
 Cardoza Eshoo Kind
 Carnahan Etheridge Kirk
 Carney Farr Klein (FL)
 Carson Fattah Kucinich
 Castor Filner Lampson
 Chandler Foster Langevin
 Childers Frank (MA) Larsen (WA)
 Clarke Giffords Larson (CT)
 Clay Gillibrand Lewis (GA)
 Cleaver Gonzalez Lipinski
 Clyburn Green, Al Loebsack
 Cohen Green, Gene Lofgren, Zoe

Miller (NC) Miller, George
 Mitchell
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (VA)
 Murphy (CT)
 Murphy, Patrick
 Murtha
 Nadler
 Napolitano
 Neal (MA)
 Oberstar
 Obey
 Olver
 Ortiz
 Pallone
 Fortenberry
 Fossella
 Poxx
 Franks (AZ)
 Frelinghuysen
 Gallegly
 Garrett (NJ)
 Gerlach
 Gilchrest
 Gingrey
 Gohmert
 Goode
 Goodlatte
 Granger
 Graves
 Hall (TX)
 Hastings (WA)
 Hayes
 Heller
 Hensarling
 Herger
 Hill
 Hobson
 Hoekstra
 Inglis (SC)
 Issa
 Johnson (IL)
 Johnson, Sam
 Jones (NC)
 Jordan
 Keller
 King (IA)
 King (NY)
 Kingston
 Kline (MN)
 Knollenberg
 Kuhl (NY)
 LaHood
 Lamborn
 Latham
 LaTourette
 Latta
 Lewis (CA)
 Lewis (KY)
 Linder
 LoBiondo
 Lucas
 Lungren, Daniel
 E.
 Mack
 Manzullo
 Marchant
 McCarthy (CA)
 McCaul (TX)
 McCotter
 McCrery
 McHenry
 McHugh
 McKeon
 McMorris
 Rodgers
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schiff
 Schwartz
 Scott (GA)
 Serrano
 Sestak
 Shea-Porter
 Sherman
 Shuler
 Sires
 Skelton
 Slaughter
 Smith (WA)
 Snyder

NAYS—190

Mica
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Moran (KS)
 Murphy, Tim
 Musgrave
 Myrick
 Neugebauer
 Nunes
 Paul
 Pearce
 Pence
 Petri
 Pickering
 Platts
 Poe
 Porter
 Price (GA)
 Pryce (OH)
 Putnam
 Radanovich
 Regula
 Rehberg
 Reichert
 Renzi
 Reynolds
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Ros-Lehtinen
 Roskam
 Royce
 Ryan (WI)
 Sali
 Saxton
 Scalise
 Schmidt
 Sessions
 Shadegg
 Shays
 Shimkus
 Shuster
 Simpson
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Souder
 Stearns
 Sullivan
 Tancredo
 Terry
 Tiahrt
 Tiberi
 Turner
 Upton
 Walberg
 Walden (OR)
 Walsh (NY)
 Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1335

Mr. WELLER of Illinois changed his vote from “yea” to “nay.”

Mr. KIRK changed his vote from “nay” to “yea.”

So the resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, on rollcall Nos. 577 and 576, had I been present, I would have voted “yea” on 577 and “yea” on 576.

RURAL VETERANS ACCESS TO CARE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1527, 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 California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1527, as amended.

This is a 5-minute vote. The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 16, as follows:

[Roll No. 578]
 YEAS—417

Abercrombie Blunt Capps
 Ackerman Boehner Capuano
 Aderholt Bonner Cardoza
 Akin Bono Mack Carnahan
 Alexander Boozman Carney
 Allen Boren Carson
 Altmire Boswell Carter
 Andrews Boucher Castle
 Arcuri Boustany Castor
 Baca Boyd (FL) Chabot
 Bachmann Boyda (KS) Chandler
 Bachus Brady (PA) Childers
 Baldwin Brady (TX) Clarke
 Barlett (SC) Braley (IA) Clay
 Barrow Broun (GA) Cleaver
 Bartlett (MD) Brown (SC) Clyburn
 Barton (TX) Brown, Corrine Coble
 Bean Brown-Waite, Cohen
 Becerra Ginny Cole (OK)
 Berkley Buchanan Conaway
 Berman Burgess Conyers
 Berry Burton (IN) Cooper
 Biggert Butterfield Costa
 Bilbray Buyer Costello
 Bilirakis Calvert Courtney
 Bishop (GA) Camp (MI) Cramer
 Bishop (NY) Campbell (CA) Crenshaw
 Bishop (UT) Cantor Crowley
 Blumenauer Capito Cubin

Cuellar Jackson-Lee
 Culberson (TX) Obey
 Cummings Jefferson
 Davis (AL) Johnson (GA)
 Davis (CA) Johnson (IL)
 Davis (LA) Johnson, E. B.
 Davis (KY) Johnson, Sam
 Davis, David Jones (NC)
 Davis, Lincoln Jordan
 Davis, Tom Kagen
 Deal (GA) Kanjorski
 DeFazio Kaptur
 DeGette Keller
 Delahunt Kennedy
 DeLauro Kildee
 Dent Kilpatrick
 Diaz-Balart, L. Kind
 Diaz-Balart, M. King (IA)
 Dicks King (NY)
 Dingell Kingston
 Doggett Kirk
 Donnelly Klein (FL)
 Doolittle Kline (MN)
 Doyle Knollenberg
 Drake Kucinich
 Dreier Kuhl (NY)
 Duncan LaHood
 Edwards (MD) Lamborn
 Edwards (TX) Lampson
 Ehlers Langevin
 Ellison Larsen (WA)
 Ellsworth Larson (CT)
 Emanuel Latham
 Engel LaTourette
 English (PA) Latta
 Eshoo Lewis (CA)
 Etheridge Lewis (GA)
 Everett Lewis (KY)
 Fallin Linder
 Farr Lipinski
 Fattah LoBiondo
 Feeney Loeb sack
 Ferguson Lofgren, Zoe
 Filner Lowey
 Flake Lucas
 Forbes Lungren, Daniel
 Fortenberry E.
 Fossella Lynch
 Foster Mack
 Foxx Mahoney (FL)
 Frank (MA) Maloney (NY)
 Franks (AZ) Manzullo
 Frelinghuysen Marchant
 Gallegly Markey
 Garrett (NJ) Marshall
 Gerlach Matheson
 Giffords Matsui
 Gilchrest McCarthy (CA)
 Gillibrand McCarthy (NY)
 Gingrey McCaul (TX)
 Gohmert McCollum (MN)
 Gonzalez McCotter
 Goode McCrery
 Goodlatte McDermott
 Gordon McGovern
 Granger McHenry
 Graves McHugh
 Green, Al McIntyre
 Green, Gene McKeon
 Grijalva McMorris
 Gutierrez Rodgers
 Hall (NY) Mc Nerney
 Hall (TX) Meek (FL)
 Hare Meeks (NY)
 Harman Melancon
 Hastings (FL) Mica
 Hastings (WA) Michaud
 Hayes Miller (FL)
 Heller Miller (MI)
 Hensarling Miller (NC)
 Herger Miller, Gary
 Herse th Sandlin Miller, George
 Higgins Mitchell
 Hill Mollohan
 Hinchey Moore (KS)
 Hinojosa Moore (WI)
 Hirono Moran (KS)
 Hobson Moran (VA)
 Hoekstra Murphy (CT)
 Holden Murphy, Patrick
 Holt Murphy, Tim
 Honda Murtha
 Hooley Musgrave
 Hoyer Myrick
 Inglis (SC) Nadler
 Inslee Napolitano
 Israel Neal (MA)
 Issa Neugebauer
 Jackson (IL) Nunes

Oberstar
 Tiberi
 Tierney
 Towns
 Tsongas
 Turner
 Udall (CO)
 Udall (NM)
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walberg
 Walden (OR)
 Baird
 Blackburn
 Cannon
 Cazayoux
 Emerson
 Hodes
 Hulshof
 Hunter
 Lee
 Levin
 McNulty
 Peterson (MN)
 Walsh (NY)
 Walz (MN)
 Wamp
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Welch (VT)
 Weldon (FL)
 Weller
 Westmoreland
 Wexler
 Whitfield (KY)
 Wilson (NM)
 Wilson (OH)
 Wilson (SC)
 Wittman (VA)
 Wolf
 Woolsey
 Wu
 Yarmuth
 Young (AK)
 Young (FL)
 NOT VOTING—16
 Pitts
 Scott (VA)
 Sensenbrenner
 Thornberry
 □ 1343
 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.
 The title was amended so as to read: “A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to conduct a pilot program to permit certain 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.”
 A motion to reconsider was laid on the table.
 Stated for:
 Mrs. EMERSON. Mr. Speaker, on rollcall No. 578, I was unavoidably detained. Had I been present, I would have voted “yea.”
 VETERANS’ COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2008
 The SPEAKER pro tempore (Mr. ALTMIRE). The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 2617, on which the yeas and nays were ordered.
 The Clerk read the title of the Senate bill.
 The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the Senate bill, S. 2617.
 This is a 5-minute vote.
 The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:
 [Roll No. 579]
 YEAS—418
 Abercrombie
 Ackerman
 Aderholt
 Akin
 Alexander
 Allen
 Altmire
 Andrews
 Arcuri
 Baca
 Bachmann
 Bachus
 Baldwin
 Barrett (SC)
 Barrow
 Bartlett (MD)
 Barton (TX)
 Bean
 Becerra
 Berkley
 Berman
 Berry
 Biggart
 Bilbray
 Bilirakis
 Bishop (GA)
 Bishop (NY)
 Bishop (UT)
 Blackburn
 Blumenauer
 Blunt
 Boehner
 Bonner
 Bono Mack
 Boozman
 Boren
 Boswell
 Boucher
 Boustany
 Boyd (FL)
 Boyda (KS)
 Brady (PA)
 Brady (TX)
 Braley (IA)
 Broun (GA)
 Brown (SC)
 Brown, Corrine
 Brown-Waite,
 Ginny
 Buchanan
 Burgess

Burton (IN)
 Butterfield
 Buyer
 Calvert
 Camp (MI)
 Campbell (CA)
 Cantor
 Capito
 Capps
 Capuano
 Cardoza
 Carnahan
 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
 Deal (GA)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 Dent
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dicks
 Dingell
 Doggett
 Donnelly
 Doolittle
 Doyle
 Drake
 Dreier
 Duncan
 Edwards (MD)
 Edwards (TX)
 Ehlers
 Ellison
 Ellsworth
 Emanuel
 Emerson
 Engel
 English (PA)
 Eshoo
 Etheridge
 Everett
 Fallin
 Farr
 Fattah
 Feeney
 Ferguson
 Filner
 Flake
 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
 Herse th Sandlin
 Higgins
 Hill
 Hinchey
 Hinojosa
 Hirono
 Hobson
 Hoekstra
 Holden
 Holt
 Honda
 Hooley
 Hoyer
 Inglis (SC)
 Inslee
 Israel
 Issa
 Jackson (IL)
 Gonzalez
 Goode
 Goodlatte
 Gordon
 Granger
 Graves
 Green, Al
 Green, Gene
 Grijalva
 Gutierrez
 Hall (NY)
 Hall (TX)
 Hare
 Harman
 Hastings (FL)
 Hastings (WA)
 Hayes
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 Hensarling
 Herger
 Herse th Sandlin
 Higgins
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 Hinchey
 Hinojosa
 Hirono
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 Hoekstra
 Holden
 Holt
 Honda
 Hooley
 Hoyer
 Inglis (SC)
 Inslee
 Israel
 Issa
 Jackson (IL)
 McCollum (MN)
 McCotter
 McCrery
 McDermott
 McGovern
 McHenry
 McHugh
 McIntyre
 McKeon
 McMorris
 Rodgers
 Mc Nerney
 Meek (FL)
 Meeks (NY)
 Melancon
 Mica
 Michaud
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Mitchell
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (KS)
 Moran (VA)
 Murphy (CT)
 Murphy, Patrick
 Murphy, Tim
 Murtha
 Musgrave
 Myrick
 Nadler
 Napolitano
 Neal (MA)
 Neugebauer
 Nunes
 Harman
 Hastings (FL)
 Hastings (WA)
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 Murphy, Tim
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 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

Scott (GA)	Stearns	Walz (MN)
Serrano	Stupak	Wamp
Sessions	Sullivan	Wasserman
Sestak	Sutton	Schultz
Shadegg	Tancredo	Waters
Shays	Tanner	Watson
Shea-Porter	Tauscher	Watt
Sherman	Taylor	Waxman
Shimkus	Terry	Weiner
Shuler	Thompson (CA)	Welch (VT)
Shuster	Thompson (MS)	Weldon (FL)
Simpson	Tiahrt	Westmoreland
Sires	Tiberi	Wexler
Skelton	Tierney	Whitfield (KY)
Slaughter	Towns	Wilson (NM)
Smith (NE)	Tsongas	Wilson (OH)
Smith (NJ)	Turner	Wilson (SC)
Smith (TX)	Udall (CO)	Wittman (VA)
Smith (WA)	Udall (NM)	Wolf
Snyder	Upton	Woolsey
Solis	Van Hollen	Wu
Souder	Velázquez	Yarmuth
Space	Visclosky	Young (AK)
Speier	Walberg	Young (FL)
Spratt	Walden (OR)	
Stark	Walsh (NY)	

□ 1354

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 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, with Mr. SALAZAR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. Mr. Chairman, I yield myself as much time as I may consume.

H.R. 3667, the Missisquoi and Trout Rivers Wild and Scenic River Study Act, was introduced by our colleague from Vermont, Representative WELCH. This bill would amend the Wild and Scenic Rivers Act to authorize the National Park Service to study specific sections of the Missisquoi and Trout Rivers in Vermont for their potential inclusion into the National Wild and Scenic Rivers System.

I want to thank our colleague from Vermont, Congressman WELCH, for his hard work on this measure. This is a good piece of legislation, which will help showcase the natural heritage of Vermont.

We are coming upon the 40th anniversary of the Wild and Scenic Rivers Act in October. It's important to celebrate the legacy of this act, the preservation of some of our wildest rivers and the safeguarding of our scenic waterways for generations to come, and to acknowledge the essential role that stewardship and a conservation ethic play in the management of our Nation's rivers and streams.

The Missisquoi is a tributary of Lake Champlain, located in northern Vermont. The Trout is a tributary of the Missisquoi. With its headwaters in Lowell, Vermont, the Missisquoi extends almost 100 miles, flowing north into Quebec, then returning to Vermont to flow west before finally ending its journey at Lake Champlain.

As it runs its course through open pastoral fields, scenic gorges and native hardwood forests, the river is a remarkable example of a northeastern ecosystem. It is bordered by the largest and perhaps highest quality silver maple floodplain forest remaining in the State of Vermont. American elm, white ash, white oak, and red maple are found along its banks.

The river is home to diverse fish and wildlife, including native rainbow and brown trout, rare freshwater mussels, spiny soft-shell turtles and river otter. While on the river's banks, bobcat,

white-tailed deer, and moose can sometimes be spotted, and the surrounding marshes host large flocks of migratory birds.

In addition to these natural qualities, there are numerous Abenaki Indian archeological sites along the floodplain.

And the river is well-known for its outstanding recreational opportunities as well. It is part of the Northern Forest Canoe Trail—a historic 740-mile water trail through New York, Vermont, Quebec, New Hampshire, and Maine—and outfitters consider the northern part of the river to be the pre-eminent flat-water paddling spot in Vermont.

It is also renowned for its waterfalls, and the Great Falls on the upper river is recognized as Vermont's largest undammed waterfall.

Simply put, this river is a superb illustration of Vermont's postcard perfect national scenery.

During a hearing on this bill, the administration testified in support of the bill, but recommended that changes be made to clearly specify which segments should be included in the study, as not all of the sections of the river in the original bill were appropriate for consideration. They recommended other technical changes as well.

The Natural Resources Committee amended the bill to respond to those recommendations and clarified which sections of the river would be studied for the wild and scenic attributes.

Mr. Chairman, H.R. 3667 simply authorizes a study of this river. It is a preliminary step, not a final designation.

Its enactment would simply trigger a process which will allow the National Park Service the opportunity to gather information from, listen to, and coordinate with State officials and local communities; with farmers, business owners, and river outfitters; and with hunters, anglers, birders, paddlers, and hikers—all those who value this river. Only then, after careful consideration and with input from all the stakeholders, will the National Park Service provide recommendations to Congress about the potential of this river.

That is all the legislation does. It is that simple. Let's not lose sight of what this bill is about.

I urge my colleagues to support H.R. 3667.

I reserve the balance of my time.

□ 1400

Mr. BISHOP of Utah. Mr. Chairman, I yield myself such time as I may consume, and it will be quite awhile.

Well, Mr. Chairman, here we are in a 15-day session. We're now one-fifth of the way through our final session before we end. The Democrat leaders, who have set the agenda and run this floor for almost 2 years now, have had 5 weeks in preparation for this day. So the first issue of significance, the only issue we may have this week that has a rule, the most significant piece of

NOT VOTING—15

Baird	Lee	Pitts
Cannon	Levin	Scott (VA)
Cazayoux	McNulty	Sensenbrenner
Hodes	Melanson	Thornberry
Hulshof	Peterson (MN)	Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1352

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5977

Mr. DEFAZIO. Mr. Speaker, DUNCAN HUNTER was mistakenly added to the list of cosponsors on H.R. 5977. I ask unanimous consent to have his name removed.

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

There was no objection.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material regarding H.R. 3667.

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

There was no objection.

MISSISQUOI AND TROUT RIVERS WILD AND SCENIC RIVER STUDY ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1419 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3667.

legislation we're talking about today is a study that, if passed, may perhaps someday, if conditions allow and the elements are conducive, possibly create a compromise that would might possibly pass an additional 70 miles being added to the inventory of the national government, and only costing the taxpayers \$300,000 to do it. That's what we're doing today.

I would like to make a couple of points about this particular bill, not necessarily in opposition to it. But one point that is significant; we talk a great deal in government about transparency. It's important to government to be transparent. It's good to be transparent—until it deals with how we treat people.

One of the things that the Republican Party has tried to do on almost every bill that has come either to committee or to the floor that deals with a trail, a heritage area, an historic area or a scenic river is to ensure that the people who will be involved in that area are informed up front about what may or may not happen to them. Because once we go to the next step and actually create this wild and scenic river, the Federal Government is given—not in this bill, but is given in the existing powers they have—the right of condemnation of any of that land that will be in that area. They have almost unlimited rights of easement. They always have the ability of dealing with local officials to create zoning ordinances that have a huge impact on the people in those areas.

Almost always these studies are done with small groups. And then citizens will come back to us afterwards and say we were unaware of what was actually happening at this time. The dairy farmers along this river—who may or may not need protection and may or may not be happy and satisfied with what will result to them—may or may not have any idea what will happen as they go through this study.

The first year I was here in Congress I passed a wilderness bill. I made sure that I went to every single property owner in that area that would be impacted by that wilderness bill, even the guy who was dead and had no heirs, which was a neat trick. But we went to every one of them to make sure they were well aware in advance of what was to take place. And yet when we tried to add an amendment, both in committee and once again before the Rules Committee, to make sure that everyone who may be impacted by this new designation and this study was made aware and they had to respond affirmatively that they wished to be part of the study, it was again rejected.

Why do we not treat Americans with respect? We will pass these types of provisions to empower government, but we will not ask the citizens who will be impacted by our decisions to be part of this particular process. It's something that used to be standard language that we would add to these types of provisions, and it should be added again. That's a flaw.

For 2 years Speaker PELOSI has been the one who was to set the agenda for our discussions here on the floor. One of those issues that I think people would like us to talk about is obviously energy. We have been talking about that for a long time. When this new leadership took over the House, on day one, when the energy prices started to climb and it was \$2.22, the topic of discussion we had on this floor was congratulating the University of California-Santa Barbara soccer team. When energy reached \$4 at the pump, I was here to spend a rollicking hour and a half talking about monkey bites. And today, after our 5-week adjournment, after people have been talking to us, after our constituents have said what is affecting them, after 5 weeks of preparation, what we are proposing to talk about today as the significant issue on the agenda is to study two rivers in Vermont. The only bill we will have with a rule, to study two rivers in Vermont.

And I hate to say this; I'm not opposed to it. There's no reason to be. It's fine. The bill is a nice bill. It can be improved significantly, but there's nothing wrong with it. The question is, why are we here talking about that after 5 weeks of getting prepared to talk about significant issues?

I had a couple of my constituents come to me. They said what they wanted to see Congress do is something in a bipartisan way; that we should come back here and show that we can work together. Indeed, the Senators have already told us that there is only a bipartisan energy plan of theirs, that's the only thing that can be passed, therefore, we should come together and support what they are trying to do in the spirit of bipartisanship, not only between two political parties, but between two branches of Congress. I am sure maybe someday this week we might even have another energy bill proposed for discussion on this floor, and I'm sure somebody will say this is the only thing we can pass; let us now embrace this in a spirit of bipartisanship so that we can show that we can work together.

Sometimes I have the feeling that we on this floor believe that if we toast one another or we slap one another on the back or we have congratulatory comity, that that, indeed, is the end of the discussion; that is the goal, not the means to reach some kind of discussion; when the end should be, have we solved the problem?

We have now had eight votes over 3 days on this floor, each of them getting around 400 plus votes. That is bipartisanship, that is comity, that is coming together. But have we solved what the needs of the American people are? Those eight votes, we've named three post offices, we said we're against hunger and we're for the Red Cross. That's good. But that does not solve the problems plaguing Americans.

If I was to go to a hospital and I was on the gurney being rushed into the

surgery room, is it logical that I would look up at the assembled doctors and nurses and say, "Look, when you open me up, I don't really care what you do inside just as long as you do it together in harmony, in a bipartisan way"? Or would it be much more logical for me to say, "Ladies and gentlemen, when you open me up, solve the problem"? And that is, indeed, what the American people are looking at us to do here today is not necessarily find out how many bills we can pass on suspension, how much comity we can have, but how we can solve the problem.

To simply pass a political statement does not make a difference to individuals. We are supposed to be here to try and solve the problem. And it is very clear that the problem has to be some way in which we have an overarching, comprehensive energy proposal. That is the problem that we're facing. We need to come to this floor and actually encourage people to conserve, not by mandating conservation efforts, but by rewarding Americans for conservation efforts and they will take it from there.

We must come to the floor and finally realize that our problem is supply and demand, and that we have to increase production of that supply, that we do not have a logical pattern of funding alternative energy sources. But if we could actually increase the amount of oil and coal and oil shale and natural gas, that we could use the royalties this government would then create to actually fund a comprehensive energy program for alternative energies—for solar, for wind power, for anything else that happens to be there—if we simply decided to use an "all of the above" approach. We can solve our problem in the emergency, for the beginning, for the present time, as well as coming up with a long-term strategy for the future that actually would be funded.

We could finally realize that this country does not have an infrastructure that will allow energy to be moved from one part of the country to the other. There are good friends in New England who will face high costs of heating their homes this fall. We have a good pipeline that goes, but it stops before it ever gets to their part of the country.

We need to solve those problems. We need to make sure we have more refineries. We need to make sure we do something on the electric grid. And we are not. That is the solution to the problem for the American people.

We need to finally realize that the future of this country is not going to be solved by bringing experts into Washington to sit around a room and come up with an idea, but the ability of America to solve its problem rests with the people out there. Because within the American people, without their soul and heart, is the ability and the creativity to come up with real solutions if we just empower them to find those solutions and then reward them

for the creativity that they can expand.

We need to realize that the solution to our problem is that the next time we lose 84,000 jobs it is not exacerbated by the lack of energy; that the next time an airline doesn't have enough energy to run 100 planes, they don't have to fire 1,100 people because of it; that the cab driver in Washington, D.C. who now drives 2 hours extra every day because he needs that to provide enough funds for the new energy he has to provide could actually be back at home meeting his kids after school the way he used to; or that we provide enough energy in here so the father in Virginia can finally go with his son to a father and son outing; or the family in Maryland can finally have enough energy so they can re-enroll their daughters in dance and gymnastics; so that school kids in the middle of this country can finally make it to field trips this year; or the teachers in our districts throughout this country will not find their salaries to be depressed or in some cases slashed because of unusual and unexpected energy costs in their districts; so that home heating oil will not drive people out of existence; so the farmer in the field will have enough energy to put in diesel in his tractors to produce the food so that truckers will have enough energy to drive them to market so that the prices of food that we have to pick up at those markets will not be spiraling this winter and this next year. And all of those is what we should be talking about.

The river is nice; it's okay. The study is okay. But it is not where we should be at this particular time because it doesn't solve the problem.

There are a lot of rich people in this body. For them, this energy crisis is an annoyance. But for those people on fixed incomes, those people at the bottom of the scale, those people in the middle class, we're not talking to them about energy policy. We're talking about the way they cook their food, the way they heat their homes, whether they have a job or not.

Three days into the last 15 days of this session, and the most significant issue is a study bill on two rivers in Vermont. This country is aching for legislation that will nourish the body politic, and yet we continue to put up, day after day on this body, pieces of legislation that are as nutritional as cotton candy. We need to do it differently.

But, on the plus side, we will probably do this bill in a bipartisan way. Doesn't it make you feel proud?

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

Mr. GRIJALVA. Mr. Chairman, I'm encouraged by the newfound populism of my good friend from Utah. And I agree that a comprehensive approach to energy has to be something that this Congress accomplishes within the week. This does not negate what I believe to be a good piece of legislation that is before us.

And it is considerable work. We have to unravel 8 years of failed energy policies. We have to unravel the relationship between Big Oil and the administration so that the consumer, the average Joe out there, will get the kind of break and attention that he needs and she needs with regard to energy costs and the rising cost all around us.

Having said that, let me now turn to the sponsor of this good piece of legislation, the gentleman from Vermont, Congressman WELCH, for as much time as he may consume.

Mr. WELCH of Vermont. Thank you, Mr. Chairman. I very much appreciate the excellent work you did and your eloquent description of a beautiful river. If I have any say about it, we're going to make you an honorary Vermonter and bring you down that river and make you paddle your way from one end to the other and have you see for yourself how beautiful what you described really is. Thank you.

I want to respond to some of the comments.

Mr. Chairman, my opinion is that one of the greatest Presidents of the United States was Theodore Roosevelt. He came to the Presidency when his predecessor was assassinated. It was a time of great turmoil, social and labor unrest, a need for corporate reform, trust busting. President Roosevelt had his hands full taking on those economic challenges.

He was a war President. The skirmish in Cuba and the Philippines were still very much alive, and he had to deal with that as President. Very serious issues with the Supreme Court. And in the midst of all of that he still found time to be a peacemaker and was the winner of the Nobel Prize for the work that he did in bringing together the Soviet and Japanese conflict and helping those folks resolve the end of that war.

But Theodore Roosevelt was also a person who respected and did more, perhaps, than anyone else to protect our environment. And amidst his responsibilities, where he had to simultaneously deal with enormous economic anxiety in this country, when he had to deal with foreign affairs that involved making America a strong country and bringing together peace in other countries, he would never, ever, busy as he was, urgent as his demands were, belittle the work of the House of Representatives when they were taking up what is now being characterized as a "waste-of-time bill" because it involves two rivers in the State of Vermont. He wouldn't do it. He's a bigger man than that.

He reflects the leadership that we can provide to the American people where we simultaneously take on the challenges, as President Roosevelt did, but also pay attention to the posterity that is our responsibility to leave behind.

I just want to say as a Vermonter, I want to say as a Member of the House of Representatives that if we can't find

time to do those things that are going to allow us in Utah, in Arkansas, in Arizona and in Vermont to save our rivers and to do what is going to preserve our country and leave behind legacies like President Teddy Roosevelt did with the National Park Service that we revere and enjoy, then we don't deserve the vote of confidence that we get from the folks who send us here. We can do both.

Now my friend from Utah has essentially made an argument that there is more important business to be done, as if that suggests we don't have time to do other important business about protecting and preserving our environment and having mutual respect for the particular concerns, in this case, of Vermont.

□ 1415

But it's that same comity that has allowed us to come forward and step up as Vermonters and Arizonans to help the folks in the Midwest from their flood and to respond to the gulf coast with the damage that they sustained. It's political. That's what we know.

The reality is our friends on the other side had 12 years in control here and their energy policy was one thing: give tax breaks to oil companies. You can't make that up. Oil companies are doing well. I don't begrudge them their profits. But why do you reach into the taxpayers' pocket and ask taxpayers to give the most profitable corporations in the world, running a mature industry, doing well, why do we ask the taxpayers to give them \$13 billion? When you reveal that fact, they don't even know how to respond because you can't make that kind of stuff up.

So this House of Representatives, under the leadership that now is being castigated for a failure of leadership, has repeatedly passed legislation against the objections, almost unanimous, of our friends on the other side, to stop filling up the Strategic Petroleum Reserve, to squeeze out the speculative premium in the price of a gallon of gas at the pump. That can provide some short-term relief. We did that. We passed comprehensive energy reform, again, against the objections of our friends on the other side. We took away the tax breaks from the oil companies, not because oil companies are a target. They're doing important work. They know how to do their work and they know how to do it well. But why in the world would our friends on the other side want to give \$13 billion in tax breaks to a mature and profitable industry when that money comes directly out of the pockets of American consumers who need that money in their pocket to pay the price at the pump? They've resisted that. They opposed it.

Our friends on the other side are also aware that even though we have passed legislation against their objection, it has gotten stalled in the other body, threatened with veto by the President, we're ready to do it again. Our motto is

try again, try again, and keep going because, bottom line, we want to address that problem. And we have actually been doing things in our 2 years on the watch despite their resistance when they had 12 years to get the job done and essentially caved into the interests of the oil companies.

So, Mr. Chairman, as a Vermonter and the sponsor of this bill, I want to object to what is really a rhetorical and political device, and that is ridiculing the importance of these two rivers to the people of my State for a partisan political argument. Energy is incredibly important and we have delivered. We've put substantive proposals on the floor. They have been debated and they have been passed. They've been stalled in the Senate or threatened with veto by the President. We're prepared to do it again. We're also prepared to reach out to the other side because we all know that in the end if we are going to be successful, we do have to work together, particularly where we have divided government. But it takes two sides, two bodies, and a President to be willing to do that, and it has not been forthcoming.

So I want to go back to a very simple fact. This legislation is about allowing Vermonters to have a study for scenic status on two rivers that are very precious to us, places where moms and dads have taken their kids, taught them how to hunt, taught them how to fish, taught them how to be families, taught them responsibility. And there is a place for us and a time for us to do that as well as face these large issues like energy, like the war in Iraq, like redefining our foreign policy. So this is a very important piece of legislation to us, and I, as one Member of Congress, object to having it be held hostage to what is essentially a political game that's been going on far too long.

And I want to thank the chairman for the tremendous work that he's done. And, Vermonters, thank you as well.

Mr. BISHOP of Utah. Mr. Chairman, I appreciate the discussion especially about Teddy Roosevelt, a famous President. But I would remind my friend that William Howard Taft, who came after him, created more national parks, created more land in the national forests, and busted more trusts in 4 years than Roosevelt did in 8. The difference was he didn't use public relations.

Our issue is still the same. Talk about these issues after we have had a debate on real issues for a real solution on the real problem of energy that affects real Americans here on the floor. That should be our priority.

With that, Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Chairman, I thank my colleague from Utah for yielding, and I stand with him on these issues.

Mr. Chairman, this is a matter of setting priorities. I just got back Monday

evening for votes. I left my home State of Louisiana, my district of southwest Louisiana, that was just hit by Hurricane Gustav. Folks are suffering. Seniors are suffering back home. Seniors are suffering all over the country. Seniors in Vermont are suffering and they're going to suffer with high prices of heating oil this coming winter. Farmers, I have got farmers that lost their crops just last week, and they're faced with high diesel costs and high gasoline costs and high fertilizer costs because this country doesn't have an energy policy. What are our priorities? This is the most important bill we have done so far this week, and it's a study and it's a study based on what the subcommittee found there to be no risk involved. So I have to question what are the priorities of this Democratically led Congress.

We in Louisiana have been bearing the burden of providing energy in this country for quite a long time, and we have seen our coasts, our precious wetlands devastated, and now we are trying to rebuild those wetlands. Is that a priority? It's certainly a priority to me. But clearly getting an energy policy has to be one of the top priorities for this country. We should all recognize that. And I think my colleagues across the aisle, after spending August back home hearing from folks in their districts, would understand that.

We in Louisiana know that energy policy and environmental policy and economic policy all march together. That's good policy. We're also talking about jobs. Mr. Chairman, every time I fly home on the little stretch between Houston and Lafayette, Louisiana, I run into folks from Louisiana who are coming back or going to countries all over the globe, Equatorial Guinea, Angola, Thailand, Vietnam, countries throughout the Middle East, Louisianians with oil and gas expertise who wish they could be back in this country closer to their families. No, they're having to travel all over the globe and be away from their families for months on end to make a living in the energy industry. These are jobs that were lost to this country. These were manufacturing jobs that were lost to this country in the 1980s when a Democratically controlled Congress imposed a windfall profits tax on the oil and gas industry. And what's their answer today? Well, let's get rid of the manufacturing tax credit on oil and gas companies. Let's single out the oil and gas companies. Well, on one hand you say you want good jobs and good manufacturing jobs, but then you propose policies that drive these jobs out of this country. I don't get it. I just don't get it, and the folks back home in Louisiana don't get it.

I talked about the environment. Down in my district we've got a beautiful stretch of wetlands and marsh. It's a bird habitat for ducks, a breeding ground for ducks. White Lake, a beautiful lake, a pristine lake, is down there in Vermilion Parish. That land is

managed by BP Amoco, and they have done an outstanding job with the environment. Just yet another example of good environmental policy working hand in hand with energy policy because what does it mean? Jobs, good American jobs.

Explain that to the folks in Michigan. Explain that to the folks in Ohio who are struggling right now. If you want good American jobs, you get a good energy policy, an all-of-the-above energy policy. An energy policy that looks at oil exploration in the Outer Continental Shelf and Alaska, shale oil, nuclear energy, looks at building refining capacity, and also invests in renewables and alternatives. That's what we're advocating over here. We want to work in a bipartisan fashion.

But, no, the other side, our friends across the aisle are finding ways to avoid the issue. That's not what the American public wants today. Everybody knows what the polls are showing. Seven out of ten Americans want a comprehensive energy policy. How can you go home and explain to the seniors, an elderly woman back in your district who can't afford gasoline for her car to go to the grocery store to pick up a few essential items, so then she has to carpool with three others and now they can't afford it?

I'm all for conservation. I believe conservation is a critical part of our energy policy, but yet conservation is not enough. We need a real energy policy, an all-of-the-above approach.

Our friends across the aisle are proposing all kinds of things that we're hearing about. They're proposing a policy that permanently locks up 80 percent, 80 percent of American energy on the Outer Continental Shelf. Our friends are proposing permanently locking up 1 trillion barrels of oil from oil shale in the inner-mountain west. How can you explain that to the American public? What's your explanation? How can you say we want to permanently lock up more than 10 billion barrels of oil on Alaska's remote North Slope? And how do you explain no to nuclear power when countries like France rely on nuclear power for 80 percent of their electricity? People around this country are struggling with high utility bills.

We ought to be looking at ways to diversify our sources of energy and putting this country on a sound footing, putting America first. How can our friends across the aisle do nothing about constructing clean coal and looking at that type of new technology? This is critical. And yet again they propose additional tax increases on the energy companies that are trying to provide energy for this country. I just don't get it. I don't get it.

Mr. Chairman, I think everybody in this Chamber ought to look at that plaque up there. Look at that plaque. It quotes from Daniel Webster, who says, "Let us develop the resources of our land." The resources of our land. We shouldn't be holding back. This is

the only country holding back on this. Let us develop the resources of our land. Let us call forth its power and build its institutions. That's what this Congress should be doing. Not wasting time. I have got to go back home and explain why I spent a week up here while folks back in Louisiana are struggling after another hurricane and I have got to explain to those folks that I came up here and we didn't do anything substantively in this Congress and we didn't do anything that they care most about: getting an energy policy.

Read that plaque again: "Let us develop the resources of our land."

Mr. GRIJALVA. Mr. Chairman, I realize the political statements that are being made by my friends on the other side of the aisle. I understand them. I think relative to this bill I don't appreciate them, but I really believe that there has to be an understanding that our leadership and the Democrats on this side of the aisle can actually walk and chew gum at the same time, that we can deal with an issue that we are dealing with here today that affects the State of Vermont and deal with the very pertinent issue which is the energy policy for this country.

With that, Mr. Chairman, let me yield to the gentlewoman from New Hampshire (Ms. SHEA-PORTER) for such time as she may consume.

Ms. SHEA-PORTER. Mr. Chairman, first let me say that I support the bill in front of us, for these two rivers in Vermont. And I think that it's unfortunate that we can't seem to work on the particular bills in front of us because of the issue that the friends on the other side of the aisle keep bringing up.

What I find particularly disturbing is that for 8 years we have had two oilmen in the White House with no energy policy and my colleagues on the other side have sat silent for 2 long years, nothing since I have been here talking about it, 8 years since President Bush has come into office, and suddenly in the waning hours of this session, they are now talking about an energy policy.

I certainly welcome them to this. I think we do need an energy policy. I wish they had started talking about an energy policy 8 long years ago. What they allowed to happen in the past 8 years is for us to lose ground on an Apollo-type project to bring a real energy policy to the United States. They have allowed the oil companies to reap the greatest profits in history while they have allowed the American taxpayer to suffer while they subsidize these oil companies. That's just outrageous that they are now at this point 8 long years into it and getting near an election and they're suddenly talking about the lack of an energy policy.

□ 1430

Thank you, gentlemen, for bringing this to our attention. We have been speaking about this lack of an energy policy for a long time.

I would like to say that their idea of drill, just drill, drill, drill, and we heard it at their convention, drill, baby drill. That is a Fred Flintstone policy. Drill, baby drill, I heard a reporter say, is like people standing there at the edge of the technology revolution yelling, Electric typewriters, electric typewriters.

We are now right at the edge of this wonderful, wonderful future for our country. If you decide to join us and invest in an Apollo-type program, a program for energy independence, a program that would allow us to be independent of these nations, to have an economic base here in this country, to create jobs in a green technology, and to have renewables.

One of your own party, T. Boone Pickens, who has talked often about, and has run ads, by the way, about the fact that we can't drill our way out of this, that we only hold 2 to 3 percent of the oil and that we are consuming 25 percent. Yet I haven't heard the word "conserve" over there until just now. I heard one mention it.

We've ignored conservation, we've ignored wind, we've ignored solar, we've ignored all kinds of renewables. And when we have the drill, baby drill plan and drill baby, drill only. Well, you know what? We have simply got to face these issues. We should have faced them 8 long years ago, and we should have faced them when I got here in this 110th Congress. But I certainly welcome you to the debate now.

So why don't we do this? Why don't we first take away the subsidies from the oil company and invest in renewables? I think that would be a good start to show Americans that we hear them. Why don't we take the speculators out of the market, since we are all very concerned about the price of energy. I am particularly concerned about what is happening in New Hampshire, where the oil is so high and the winter is coming on us. I am concerned that the President of the United States put in his budget a cut in the Low Income Heating Energy Assistance Program.

So why don't we do this? Why don't we take the speculators out of the market? Why don't we say Drill now, drill, to the oil companies who had 68 million acres and they would not drill on. That would be helpful.

There's a number of things that we could have done, and I agree with you that we are at the last moments here, and it's outrageous. But we have the future of America in our hands. We have the ability, as T. Boone Pickens said, to take the wind from—he named Sweetwater, Texas to Hastings, Nebraska—we have great wind capacity, and to take solar from Sweetwater, Texas to California, and catch that. And biomass. And, yes, drilling. Drilling on land and leases that we have.

Why didn't you agree to take the leases away if the oil companies wouldn't drill? Why not? Why not do something except stand there with the same, tired drill, baby drill.

We are on the eve of this wonderful technology. We have so many people and businesses ready to invest in it. Oil companies certainly have their role. And we are dependent on oil. We are more dependent on oil than we were when George Bush came into office. That's true. But where have you been for 8 long years?

I welcome you to this discussion. But I think we should have the discussion in the appropriate place and not block every piece of legislation that is coming through right now, and let's have a comprehensive energy plan. And the first thing the other side could do to show their good faith in this would be to vote against the tax subsidies for the oil companies. If we really want to protect the American taxpayer, why don't we stop forcing them to subsidize oil companies? That would be my first question. Thank you.

Mr. BISHOP of Utah. In my 6 long years of being here on this floor, and I welcome my freshman colleague from New Hampshire, we have been involved in many issues that deal with energy, and I found that what was not stopped by filibuster in the Senate, was stopped by litigation in the court, and that is part of the overall reform we are talking about, which is why we desperately need a real vote on a real solution, the American Energy Act.

May I just inquire how much time we have remaining.

The Acting CHAIRMAN (Mr. ROSS). The gentleman from Utah has 10½ minutes remaining.

Mr. BISHOP of Utah. With that, I yield such time as he may consume to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I want to thank my friend from Utah for giving me this opportunity to come and to speak. As I was listening to the gentlewoman from New Hampshire speak, she must not have read the American Energy Act. My colleagues and I, at least about 135 of my Republican colleagues and I, have been coming back to this floor ever since August 1, when Speaker PELOSI decided to adjourn this Congress and go on a 5-week vacation rather than address the energy crisis that we have in this country.

Mr. Chairman, it's awfully strange that all of the debate, most all of the debate that I have heard on the floor today, has dealt with energy. Yet we refuse to bring an energy bill to the floor under regular order.

I think what also needs to be said, Mr. Chairman, and I hope the American people are picking up on this, is that the Democrats have been in control of this Congress for the last 20 months. The Democrats have been the majority, the controlling party in this Congress for the last 20 months. In the House, they have 236 Members, I believe. Close to it. I think the Republicans have 199. It only takes 218 to pass any legislation in this body. In fact, you can have a good idea, you can have a great idea, you can have a life-saving, wonderful, world-changing idea,

but if you don't have 218 votes, you don't have anything except an idea. If you have the worst bill in the world, or something that really hurts the American people and hurts our economy and our future and future generations, if you have 218 votes, you can pass that.

So I guess my question to the majority is that rather than continually laying the blame on the executive branch of our government, and most all Americans know that we do have three branches of government. We have got the executive branch, we have got the judicial branch, and we have got the legislative branch. The legislative branch, who the Democrats are in control of, have the responsibility for passing laws. So we can't help it. It's not our fault. If the unemployment was 4.2 percent, Mr. Chairman, when your party took the majority, and now it's 6.1, we can't help that. This comes from the legislation that you had 218 votes for to pass.

Now we can't help it because gas was \$2.06 a gallon when you took over, and that it's over \$4, or close to \$4 a gallon now. It's been as high as \$4.50. We can't help that. You were in control. You had the 218 votes to do anything you wanted to do.

But what has happened? The Democratic majority decided that rather than have a bill that would go through regular order and have subcommittee hearings and committee hearings and be brought to the floor under a rule that would be an open rule that would allow input for all 435 Members and the seven delegates from U.S. territories to be able to have amendments on the floor to speak to what their constituents had felt and what they had been told at home, they have been brought under a suspension rule.

Mr. Chairman, a suspension does not have to go through committee. It does not have a rule. There's 20 minutes of debate for each side. And then you have to have two-thirds of the vote. Well, these have been snake oil or shams or, I guess, covers to hide under, maybe, that you could go home and say that you had voted for an energy bill.

I say let's bring it under regular order. If you bring it under regular order, let's give us an opportunity to have a motion to recommit, or an alternative. But the best thing to do, the thing that I think the American people want to happen, is an open rule come to the floor, where we can all—this is a House where we are supposed to come and debate and share ideas. Let this House work its will. Let's vote on every amendment that comes to the floor. Limit it to one amendment per person.

If we have to stay here over the weekend, let's hear all the good ideas that will come out of this place. There's not just a certain number of people in this body that have good ideas, there's a lot of good ideas that come from a lot of people, and there's a lot of people here who have good ideas that never get to share them.

With that, Mr. Chairman, I encourage, I encourage the majority to bring out of mothballs that commonsense energy plan that in April of 2006 Minority Leader NANCY PELOSI said that she had. I hope that she will bring it out soon because not just my constituents in the Third District of Georgia, but constituents, people, citizens all over this country are hurting. So, hopefully, we will get to see this commonsense plan at some point in the near future.

Mr. GRIJALVA. I yield 3 minutes to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. I thank the gentleman from Arizona for allotting me this time. I just want to bring us back to basics, for one thing. Whether it's the Kiwanis or the Cub Scouts or the PTA, ordinarily you talk about the issue that is at hand. And the issue that is at hand, ladies and gentlemen, and to my friends on the other side of the aisle, is we are talking about the Missisquoi and the Trout Rivers, the Wild and Scenic Rivers.

I want to thank my friend, Mr. WELCH, for bringing this matter before the House of Representatives as to trying to maintain wild and scenic streams in Vermont. That is what is being debated. That is the bill on the floor, although our friends would like to completely change the subject.

Whether it's the Kiwanis or the PTA or the boardroom or the Cub Scouts, you try to have a relevant conversation. But they decided that is not the issue. They must love this bill. They would rather talk about something else. So let's talk about the something else, which is energy.

Now my friends on the other side of the aisle, the GOP, the Republicans, in 2005 passed what they said was a landmark energy bill. I want to quote the former Speaker of the House, Dennis Hastert, on July 28, 2005:

"Americans need this (GOP energy) legislation to lower their energy costs, to drive economic growth and job creation, and to promote greater energy independence."

The minority whip, Mr. BLUNT, said on that same day:

"This (GOP energy) plan relies on simple economics. If we create a larger market for a greater amount of gasoline, we'll help drive prices down. This proposal moves the country one step closer to lowering the sky-high price of gas for consumers."

The President, a few days later, said, "I am confident that one day Americans will look back on this (GOP energy) plan as a vital step toward a more secure and more prosperous Nation that is less dependent on foreign sources of energy."

Well, ladies and gentlemen, that energy plan that was promoted by the Republicans and supported by the President back in 2005 I think now turns out to be a really bad joke on the American people. We have had our prices of oil and gas going up by almost double, sometimes during this summer

they almost tripled after that plan was implemented by a Republican Congress and a Republican President.

But that shouldn't surprise us. With two oilmen in the White House, what did you expect? This is exactly what we have gotten. Skyrocketing energy prices.

Now what we have got to do, and I can't believe that my friend from Utah, when he says that what we need to be doing is drilling here, and drilling now, really wants to drill in the middle of Salt Lake City or in any of the glorious places in Utah. This is something where it has got to be sensible energy policy. It's a comprehensive energy policy, which includes oil and gas.

The Acting CHAIRMAN. The time of the gentleman has expired.

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

Mr. PERLMUTTER. It includes oil and gas, it includes coal, it includes nuclear, it includes renewable energy, and it includes overall energy efficiency, because a barrel of oil saved is a barrel of oil earned. A Btu saved is a Btu earned.

We need a comprehensive plan. And to pull a bad joke on the American public of drilling here, drilling now, drill, baby drill, is simply a sham, and we cannot go forward with that alone. We need a comprehensive energy plan, and that is what the Democrats are going to provide.

Mr. BISHOP of Utah. Mr. Chairman, I reserve the balance of my time.

Mr. GRIJALVA. Let me yield 3 minutes to my colleague from Ohio, Congresswoman MARCY KAPTUR.

Ms. KAPTUR. I thank the gentleman for yielding, and also rise in support of the National Wild and Scenic Rivers measure related to including Vermont's Missisquoi and Trout Rivers for further assessment.

Let me also say I think it's really sad that our GOP colleagues here are trying to divert attention from this bill and trying to change the subject to something that they have a pretty dismal record on.

□ 1445

In fact, since the Bush administration took office, our country is now importing over 1 billion more barrels of oil a year, the price of gasoline has doubled, as every American knows, and oil company profits are through the roof. Exxon alone, Exxon alone last year, made \$40.6 billion in profits, one company; BP, \$20 billion; Shell, \$31 billion in profits; Conoco, \$15.5 billion; Chevron, \$17.1 billion. That is a total, just of those companies, of \$125.3 billion.

They are loving every minute of this, friends. And the question for America is, do we want our people to be dependent on a diminishing global resource that becomes more precious every day, where blood for oil is now shed around the world? That is the real question. Are we going to grow up and live in the 21st century? It is a real choice.

One of the fellows over there on the other side of the aisle said, well, we got enough votes in the House. We sure do. We passed a couple of bills and sent them over to the Senate, where they sit unpassed. For example, our bills for extension of our renewable energy credits for solar and for wind, they are sitting over in the Senate. Do you know why? There isn't a majority of Democratic votes over there. The Senate is divided. It is 49D-49R. Our Senators are sitting on their hands over there, half of them. I would say to the gentleman who says we have got enough votes here, go get your friends over there to put their blood on the line over on the other side for the American people. They are wasting an awful lot of time.

I want to say too that the President has to sign these bills. Look what he did to the agriculture bill, one of the most important bills we have brought to this floor to try to create a new biofuels industry for this country, which rural America wanted and wants and is leading into an energy independent future for this country. What did the President of the United States do? He vetoed it. We had to override the veto here and in the other body. That is the kind of mess we have got here in Washington.

Boy, do we ever need a working majority in the Senate. And we need a bigger working majority here in the House to do what the American people sent us here to do, and that is to help our children have a better future, to have an independent energy future for this country, and not to try to say that "business as usual" is the course of the hour. Oh, no. Our people expect us to play the piano on all keys.

Where have you been for the last 8 years and where has the President of the United States been for the last 8 years?

The Acting CHAIRMAN. The time of the gentleman has expired.

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

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 30 seconds.

Ms. KAPTUR. I thank you very much for yielding.

Let me just say that I represent one of the solar centers of this country, one of the three top places that are inventing the future for our people. We need the help of the President of the United States. We don't need him to hold up renewable energy credits in this body or over in the Senate. Our people have seen the future, and they are building it. We don't need to have this administration produce an energy plan back in their first year that didn't even include agriculture, not even a mention of it, and renewables, and then defunded renewables for most of the years that they sat over there on Pennsylvania Avenue.

We do need new leadership. We need a working majority in the Senate. And we need a greater working majority

here and a President who will stand at the side of the American people.

Mr. BISHOP of Utah. Mr. Chairman, I was about to be critical of the remarks of the gentlewoman from Ohio, but once she said the Senate is a problem that should be working, how can I reject that?

I would, though, remind you, if you really want to help Exxon, don't do anything. Sixty-eight percent of all the oil and 87 percent of all the natural gas is being drilled by small entrepreneurial companies. If you want competition, allow those to be successful.

Mr. Chairman, I yield 4 minutes to the gentlewoman from North Carolina (Ms. FOX).

Ms. FOX. Mr. Chairman, I thank my colleague from Utah for his great comments.

You know, I like Congressman PETER WELCH. We are on opposite ends of the aisle philosophically, but he is a nice guy. But I will tell you, I would like to be able to support this issue of the Wild and Scenic Rivers Act. However, what the American people want are lower gas prices, so they will have a chance to go and visit wild and scenic rivers. Right now, the Democrats have let the gas prices get so high, nobody can go on vacation, nobody can visit these rivers, nobody can do the kinds of things they want to do.

But the good news is during the month of August, when Republicans stayed here working while the Democrats went on vacation, we alerted the American people to the fact that we are here trying to bring down prices and that the Democrats are in charge of this Congress. It is not the President of the United States who can take action. He has already taken action. He lifted the moratorium on Outer Continental Shelf drilling.

Let me tell you, my colleague just before my colleague from Ohio was giving quotes, but let me give you a quote. Here is the best one, and the one that we are going to come back to over and over and over again. Speaker PELOSI, when she was asking for the majority in this House: "Democrats have a plan to lower gas prices. Join Democrats, who are working to lower gas prices now."

What happened? Gas prices have doubled under the Democrats. They can do their best to blame this on the Republicans. But they are in charge, and we are going to continue to inform the American people that Democrats are in charge of the Congress, that they have the ability to do something.

Republicans believe in alternatives. Certainly we want solar, wind, hydro, all the alternatives. We believe in conservation. Republicans are the original conservationists. But we cannot get to those places immediately, and we can bring down the price of gasoline by providing additional supply.

Democrats think they can ignore and maybe even repeal the basic law of economics, supply and demand. We have to have more supply. They are preventing

that. They do not want us to bring down the price of gasoline. Why, is difficult to understand.

But I say it is a simple choice for the American people this fall: Are you going to believe the people who are pro-American energy, or are you going to believe the people who are anti-American energy? The Democrats want us to remain dependent on foreign oil. They are not interested in creating additional American energy. And you can see that.

Let's talk some more about quotes. Here is another one: "This leadership team will create the most honest, most open, most ethical Congress in history." Speaker-elect NANCY PELOSI.

What have we had? Closed rules. The appropriations committees aren't even meeting, because they are scared to death that we will bring up bills that they will have to vote on that they know will pass because their Members are feeling the heat in their districts. Their constituents are hurting too.

This is not a Republican issue. It is not a Democratic issue. It is an American issue. We begged our Democratic colleagues to come and join us, vote with us, speak to the American people about this. She knows they will vote for additional American energy. There is no bill on the floor this week. Why? Because her caucus is so divided. The pro-American energy Democrats want to vote on increasing supply. They are not being allowed to do that.

Let me speak about the farm bill just a little bit. Ethanol is creating a major problem for us in this country. We are not allowing ethanol to come in here from other countries. We could get it in here cheaper than we are producing it in this country. They will not allow that. That was part of that farm bill that the President vetoed.

Mr. GRIJALVA. Mr. Chairman, I yield 3 minutes to the chairman of our full Resources Committee, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I want to express my appreciation to the distinguished subcommittee chairman, Mr. GRIJALVA, for bringing this bill forward, and the ranking member, Mr. BISHOP. Also I want to thank Mr. PETER WELCH for the tremendous leadership he has provided.

Certainly I am in support of the legislation. I recognize that much of the debate that has occurred thus far has not really been on the legislation itself, but rather has surrounded the energy issue. As all of my colleagues on both sides of the aisle know, we are working toward bringing an energy bill to the floor of the House of Representatives in the very near future.

I have heard a lot of finger pointing. We all have been doing that, are guilty of that, for the last several months on this issue. Each side is trying to blame the other for the high price of gas today, ignoring the fact that the price of gas when President Bush took office was \$1.47, both houses of Congress were

in Republican hands, and the price of gas is where it is today.

But that is the past. We must look forward. Now we are all talking about using all of our domestic sources of energy in order to free ourselves from that dangerous reliance upon foreign oil. And certainly I am one of those in the category, if not 99.9 percent of my colleagues, that want to see all of our domestic sources of energy used. I dare say that in the not-too-distant future, when we do address the energy bill, if not in the next several days on the floor of this body, that we will see the most broad-ranging, most comprehensive energy bill come to this floor that we have had in several years. It will be an all-of-the-above. It will be a start toward progressive, comprehensive energy legislation.

In that, it will be a pro-drilling bill as well, although it will not be all-drilling. It will not be all my-way-or-the-highway, as some on the other side continually preach, but rather it will be a bill that will show the sacrifices that will be necessary, the compromises that are always necessary in the legislative process if we are going to address the common good of this country. So that is what we are going to see.

One important factor of that bill that we have not seen in previous energy bills is accountability and transparency. After all, these are the American people's resources, our public resources we are talking about on the OCS or with Federal leasing on on-shore Federal lands. That means the American people have the right to receive a fair dispensation for the use of their resources, as well as an accountability of royalties and fees collected thereupon.

One of the areas in which we will seek to provide much-needed reform and more oversight is in the area of royalty collection and the royalty-in-kind program specifically.

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. GRIJALVA. Mr. Chairman, I yield an additional 30 seconds.

Mr. RAHALL. Thank you. And I say we will provide that additional oversight, because the Interior Department's own Inspector General, Mr. Devaney, is today coming out with a report of his investigation of the royalty-in-kind program in which he says we have also discovered a culture of substance abuse and promiscuity in the RIK program, both within the program, including the supervisor, who engaged in illegal drug use, had sexual relations with subordinates, and is in consort with industry. Internally, several staff admitted to illegal drug use as well as elicit sexual encounters, and it goes on and on about what has been happening with this oversight program. We will strengthen this program and make the reforms necessary.

Mr. BISHOP of Utah. Mr. Chairman, I certainly hope when my chairman rolls me into the surgery room and opens me up, he will solve the problem.

May I inquire of the other side if they have additional speakers left up and how much time remains.

Mr. GRIJALVA. We have no additional speakers.

The Acting CHAIRMAN. Each side has 30 seconds remaining.

Mr. BISHOP of Utah. With that, Mr. Chairman, I will yield back my last 30 seconds.

Mr. GRIJALVA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in conclusion let me say I associate myself with the comments that our chairman, Mr. RAHALL, made about transparency and about the deeply needed reform in that agency, given the disclosure and the investigation by the Inspector General. This is a good piece of legislation. I urge its approval.

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

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill pursuant to part 2 of House Report 110-668 shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 3667

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 "Missisquoi and Trout Rivers Wild and Scenic River Study Act of 2008".

SEC. 2. DESIGNATION FOR STUDY.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

"() MISSISQUOI AND TROUT RIVERS, VERMONT.—The approximately 25-mile segment of the upper Missisquoi from its headwaters in Lowell to the Canadian border in North Troy; the approximately 25-mile segment from the Canadian border in East Richford to Enosburg Falls; and approximately 20 miles of the Trout River from its headwaters to its confluence with the Missisquoi River."

SEC. 3. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

"(19) MISSISQUOI AND TROUT RIVERS, VERMONT.—Not later than 3 years after funds are made available to carry out this paragraph, the Secretary of the Interior shall—

"(A) analyze the potential impact of the designation on private lands within the Missisquoi and Trout Rivers, Vermont, described in subsection (a)() or adjacent to that area;

"(B) complete the study of the Missisquoi and Trout Rivers, Vermont, described in subsection (a)(); and

"(C) submit a report describing the results of that study to the appropriate committees of Congress."

The Acting CHAIRMAN. No amendment to that amendment is in order except those printed in House Report 110-834. Each amendment shall be considered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the

report, equally divided and controlled by the proponent and an opponent of the amendment; and shall be not subject to amendment; and shall not be subject to a demand for division of the question.

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AMENDMENT NO. 1 OFFERED BY MR. GRIJALVA

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-834.

Mr. GRIJALVA. Mr. Chairman, I rise to offer the amendment as the designee for Mr. RAHALL.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GRIJALVA: Before subparagraph (A) in the quoted material adding a new paragraph (19) to section 5(b) of the Wild and Scenic Rivers Act, insert the following and redesignate the subsequent provisions accordingly:

"(A) analyze any potential impacts on the possession or use of a weapon, trap, or net, including a concealed weapon, on the Missisquoi and Trout Rivers, Vermont, described in subsection (a)() or on lands adjacent to that area;"

The Acting CHAIRMAN. Pursuant to House Resolution 1419, the gentleman from Arizona (Mr. GRIJALVA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. Mr. Chairman, this amendment would require that the study authorized by H.R. 3667 analyze any potential impacts a wild and scenic river designation for this river might have on the possession or use of a weapon, trap or net, including a concealed weapon.

As with many of the amendments offered today, I do not believe this amendment is necessary. The underlying legislation already is more than sufficient in what it directs the Secretary to study when considering a wild and scenic river designation. Further, the Wild and Scenic Rivers Act already makes perfectly clear that these river designations are not intended to infringe upon existing State authority to manage hunting or fishing.

Nevertheless, Chairman RAHALL has filed this amendment in an overabundance of caution, and as a good-faith effort to dispel any rumors that this bill will impact existing policies on hunting and fishing. I urge my colleagues to support the amendment.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, though not in opposition, I claim the time in opposition to this amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. BISHOP of Utah. Mr. Chairman, we find ourselves in a unique situation on this particular amendment. The gentleman who proposed it thinks it is unnecessary. I think this is a wonderful amendment. It was great when

somebody first wrote it, and now that you have incorporated it into the general discussion on these bills, I am equally as enthralled with that amendment.

Mr. Chairman, at this time I wish to yield such time as he may consume to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I thank the gentleman from Utah for yielding.

I, too, want to rise in support of the amendment of Mr. GRIJALVA and Mr. BISHOP in regard to this amendment. But, Mr. Chairman, I want to state rather emphatically that I rise to express concern that this committee, the Resources Committee, which has jurisdiction over the Arctic National Wildlife Refuge, has jurisdiction over the miles and miles and hundreds if not thousands of miles of Outer Continental Shelf on both coasts of this country and also the Gulf of Mexico, this committee, the Natural Resources Committee chaired by Mr. RAHALL, has jurisdiction, and yet here we are, Mr. Chairman, taking up the time of this body to delay the work that we clearly need to do in regard to a sound energy policy. And to think that we have 2 more weeks left before the majority leadership has decided that we are going to leave this place and not come back until the 111th Congress, ladies and gentlemen, that is next January. So starting from August 1 until the end of the year, that means we will have worked, what, 13 days in 5 months. That makes this congressional job, Mr. Chairman, a part-time job. If I had known that, I would go back home and deliver babies for 6 months out of the year.

We ought to be doing an energy bill right now, this week. There is no excuse for it. And there was really no excuse, Mr. Chairman, for us adjourning and going home to our districts for whatever reason for 5 weeks. We could have stayed here and in 3 days, 5 days at the most, done exactly what Mr. RAHALL just a few minutes ago on the floor of this Chamber said that you were going to do; you, the majority, were going to introduce a comprehensive bill allowing 99 percent of all United States energy resources to be utilized.

What I have seen, Mr. Chairman, of this proposal, if it looks anything like what has been suggested on the Senate side, doesn't even come close to that. This is certainly not an all-of-the-above energy bill; it is almost none of the above. And, quite honestly, the acronym for that is the NOT-A bill, none-of-the-above act. It is a NOT-A energy act.

But if the chairman is right in what he said, Mr. Chairman, that we are going to see an all-of-the-above energy bill, let's get with it. Let's get with it. There is no reason why the Committee on Energy and Commerce, with Chairman DINGELL and Ranking Member BARTON who work very well together,

very respected members on both sides of the aisle in this Chamber, we could not in a regular order go through the regular process, have an open rule, and give and take on both sides.

Put the politics aside, and let's do what we should have done 6 weeks ago to bring relief to the American people in regard to these high gasoline prices.

Mr. GRIJALVA. Mr. Chairman, just as a friendly correction for the gentleman from Georgia, nada is spelled N-A-D-A. So none of the above doesn't quite fit the acronym, so there might need to be a search for an appropriate balance.

The other thing, and he mentioned a good point. Under the jurisdiction of the Natural Resources Committee are 68 million acres under lease and not in production under the public lands of this country. So under that jurisdiction, I think the committee has made that effort to try to extend the public lands as a source for energy.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I wish to defend my good friend from Georgia. Actually he said NOT-A, which is N-O-T-A. It is just that Georgian accent, it's hard to get the letters straight there. That's something we don't face in Arizona or Utah, I realize that.

Mr. Chairman, in all sincerity, we support this particular amendment.

I yield back the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. GRIJALVA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. BISHOP OF UTAH

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-834.

Mr. BISHOP of Utah. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BISHOP of Utah:

After the new paragraph (19)(A) added to section 5(b) of the Wild and Scenic Rivers Act, insert the following (and redesignate the subsequent subparagraphs accordingly):

“(B) include in the study completed under this paragraph an assessment of any effect a wild and scenic designation in the study area is likely to have on energy production, transmission, or conveyance;”.

The Acting CHAIRMAN. Pursuant to House Resolution 1419, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, I appreciate the opportunity of talking about a bill that asks us to review energy issues with this particular piece of legislation.

When the Wild and Scenic Rivers Act was originally established, it was designed specifically to inhibit, if not stop, the production of dams across rivers where electricity could be the result. It is fitting and proper to see what kind of impact this wild and scenic river would have in that area, as well as the fact that this river, the Missisquoi River, translated means the great grassy meadow. It could possibly be the “great gassy meadow” if we find some kind of minerals down there, which, once again, a review of that I think would be appropriate.

Mr. Chairman, I wish to yield the remainder of my time to the gentleman from Illinois (Mr. SHIMKUS).

The Acting CHAIRMAN. The gentleman from Illinois is recognized for up to 4 minutes.

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

Mr. SHIMKUS. Mr. Chairman, it is great to have a chance to be on the floor to talk about energy and the lack of movement from my colleagues on the other side. It's not the first time I've been down here, it's not going to be the last, and I seriously doubt that the provision that will be brought to the floor will be an all-of-the-above, comprehensive plan.

It will be a smoke screen, it will try to have some cover for votes for November, but it will not be the all-the-above strategy that we are demanding on the floor of the House.

There will not be a provision on coal in this bill. Coal is our most valuable resource we have in this country. There will not be a provision on oil shale. More energy than any other country in oil shale. We will not deal with opening up the entire Outer Continental Shelf. We will not use the revenues to fully expand the grid or go into all the renewables.

We would like regular order. We would like the chance to move a bill through the committee. I serve on the Energy and Air Quality subcommittee; I serve on the Energy and Commerce full committee. The 2005 energy bill that you all had attacked went through regular order. It went through your committee, it went through my committee, it went through the Science Committee. It went through all the committees; it was cobbled together on the floor; we had amendments on the floor, and we voted.

Democrats attacked us for the majority of the majority rule of the floor of the House. Well, we're going to turn that around, because now it's just a majority of one: It's whatever Speaker PELOSI decides, that will be the bill on the floor. And she is dissing you all. She's not allowing you all to have any

input into the legislative process. It's whatever she says goes. And you just can't deny that fact, because it is not going through any regular order.

So when you attacked the 2005 energy bill that went through the subcommittee, went through the full committee as being written behind closed doors, there is no more closed doors than what you are doing and proposing to do in this bill, and it is a shame and it is an insult on the legislative process.

Let's see if we address coal-to-liquid. There are two provisions you all could put in the bill right now to make us more energy independent.

You could put long-term contracting Department of Defense, who are asking for coal-to-liquid applications for jet fuel, long-term contracting, and we would have coal-to-liquid refineries being built with American jobs today.

You could take a Democrat bill, the Boucher coal-to-liquid bill. You could put RICK BOUCHER's bill in this, quote/unquote, comprehensive energy bill, and we would have coal-to-liquid refineries being built in this country within a year.

But it won't be comprehensive because you're going to not address coal, the greatest resource. We have more coal reserves than any country on this planet. So you can't really say you are going to have a comprehensive energy plan when you don't address coal.

The other thing that you will not do is open up the Outer Continental Shelf. You may open up 5 percent more. This whole red area, you have seen it numerous times, off-limits.

We're going to call your bluff. We're going to shut down this government on the CR because we're going to defeat the moratorium. So you can pass all these energy bills you want. You know you can't conference it with the Senate. You know it's not going to go to the President's desk. It's a fig leaf. It's a farce. You ought to be ashamed of yourselves.

What we're going to do is we're going to wait till the spending bill comes to fund government, and then we're going to call your bluff. Are you willing to shut the government down and keep off-limits billions of barrels of oil, trillions of cubic feet of natural gas? And if you're willing to do that, fine. We'll do that before the election. We'll go back and we'll hold you accountable at the polls.

Do you know why you can't bring a comprehensive bill that comes through regular order? Because NANCY PELOSI loses, and it's her bill.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. GRIJALVA. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Mr. Chairman, I just want a point of clarification, that we didn't attack the 2005 Republican en-

ergy bill because it was done behind closed doors. I think the point on the attack is relative to the fact that it was shortsighted, Big Oil driven, and an utter failure.

Mr. SHIMKUS. Will the gentleman yield?

The Acting CHAIRMAN. The gentleman from Arizona controls the time.

Mr. GRIJALVA. I thank the Chairman.

With regard to the Bishop amendment, we have no opposition after reviewing it, and we would accept this amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was agreed to.

□ 1515

AMENDMENT NO. 3 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110-834.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. FLAKE:

At the end of the bill, add the following:

SEC. 4. FUNDING.

Nothing in this Act or the amendments made by this Act shall be construed as authorizing appropriations to designate or otherwise create a new component of the national wild and scenic rivers system.

The Acting CHAIRMAN. Pursuant to House Resolution 1419, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, we'll actually hear about this bill for just a minute at least before I talk about energy. But, no, I do have a serious amendment here that simply clarifies that nothing in this bill is meant to authorize appropriations for the new unit of the Wild and Scenic Rivers System.

The bill before us today authorizes a study to determine if the Missisquoi and Trout Rivers in Vermont are eligible to be designated wild and scenic rivers. Now, rivers designated as wild and scenic are managed by a number of Department of the Interior agencies, including the National Park Service, Forest Service, Bureau of Land Management and the Fish and Wildlife Service.

However, if you ask CRS about this, these four agencies have a combined maintenance backlog of between 14 and \$22 billion. That is between 14 and \$22 billion. And so we are going to be doing a study of another river, a study that often precedes designation. I think that is the purpose of this study, that will then put this river under the Park Service's jurisdiction or the Interior Department, and these agencies will

have to manage it. We're adding to a backlog of between 14 and \$22 billion. We shouldn't continue to do this. We can't continue to do this. We have parks in my State and everywhere else that have maintenance needs, that have staffing needs, that have needs that are going unmet, and we're going about just adding more to it, without seeking a funding source or anything else. We're simply adding more obligations to the Park Service, and we can't do that.

This amendment simply says that nothing in this authorization implies this appropriation will follow. Again, if an appropriation does follow, we are taking from the existing wild and scenic rivers or other designations that our Interior Department has to manage.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I rise to claim time in opposition to the Flake amendment.

The Acting CHAIRMAN. The gentleman from Arizona (Mr. GRIJALVA) is recognized for 5 minutes.

Mr. GRIJALVA. Upon review of the amendment of my good friend from Arizona (Mr. FLAKE), we are prepared to accept it and will not oppose the amendment.

I reserve.

Mr. FLAKE. I thank the gentleman for accepting the amendment, and I thank the Chair.

Now, let me say a few words about energy, since everybody else has. I didn't plan to when I came down here, but I have to say that Republicans will charge, with some justification, that the Democrats have been in charge for the last 2 years and have failed to pass significant substantial energy legislation. Democrats will charge, with some justification, that the Republicans have been in charge for a number of years and failed to do so.

We blamed the Senate. We didn't have 60 votes in the Senate. The Democrats can do the same at this point.

But here we are today, and we can't continue to look back and say we should have done something before, because we are here today and people are asking, why aren't you passing something? With justification, I might add.

Now, one of the speakers mentioned that what the Republicans were proposing was more like a Fred Flintstone bill of some type. And I would have to ask that same speaker how she plans to get home tonight. Unless she has a Flintstone mobile, she's probably riding in something that is powered by gas, maybe a hybrid, unlikely that it's electricity. In fact, less than 1 percent of our current energy needs in this country are produced by solar, which she talked about. Less than 1 percent is produced by wind.

Now, in our plan it has plans for increased solar and wind. But if you doubled, if you tripled, if you quadrupled, quintupled, do whatever you want, to solar and wind for a number of years, we are going to rely on our traditional

energy sources. And so it makes sense that, while we are searching for the next big thing, while we wait for a hydrogen economy, or while we wait for wind and solar to really come on-line, or something else that we may not even know of, we have to use the resources that we have.

So nobody on this side is really saying drill and drill only. We're saying it has to be part of the mix and it has to be all of the above.

So there's plenty of blame to go around. I myself have not voted for one energy bill since I've been here in the past 8 years because I thought that some of them were too subsidy-laden. I didn't think that they really, really allowed us, in a free market way, to go out and use our resources.

But going forward, this is what we've got to look at; what are we going to do going forward. It doesn't do anybody any good to say well, the Democrats didn't do anything, or the Republicans didn't. We're here today, and it's time to do something on this.

Again, I thank the chairman of the subcommittee and appreciate him accepting this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

Mr. GRIJALVA. Mr. Chairman, I move that the committee do now rise.

The Acting CHAIRMAN. The question is on the motion to rise.

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WESTMORELAND. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 193, not voting 24, as follows:

[Roll No. 580]

AYES—221

Ackerman	Carnahan	Doggett
Allen	Carney	Donnelly
Altmire	Carson	Doyle
Andrews	Castor	Edwards (MD)
Arcuri	Chandler	Ellison
Baca	Childers	Ellsworth
Baird	Clarke	Emanuel
Baldwin	Clay	Engel
Barrow	Cleaver	Eshoo
Bean	Clyburn	Etheridge
Becerra	Cohen	Faleomavaega
Berkley	Conyers	Farr
Berman	Cooper	Fattah
Berry	Costa	Filner
Bishop (GA)	Costello	Foster
Bishop (NY)	Courtney	Frank (MA)
Blumenauer	Cramer	Giffords
Bordallo	Crowley	Gillibrand
Boren	Cuellar	Gordon
Boswell	Cummings	Green, Al
Boucher	Davis (AL)	Green, Gene
Boyd (FL)	Davis (CA)	Grijalva
Boyd (KS)	Davis (IL)	Gutierrez
Brady (PA)	Davis, Lincoln	Hall (NY)
Braley (IA)	DeFazio	Hare
Brown, Corrine	DeGette	Harman
Butterfield	Delahunt	Hastings (FL)
Capps	DeLauro	Herseth Sandlin
Capuano	Dicks	Higgins
Cardoza	Dingell	Hill

Hinchev	McNerney	Scott (GA)
Hinojosa	McNulty	Scott (VA)
Hirono	Meek (FL)	Serrano
Holden	Meeke (NY)	Sestak
Holt	Melancon	Shea-Porter
Honda	Michaud	Sherman
Hooley	Miller (NC)	Shuler
Hoyer	Miller, George	Sires
Inslee	Mitchell	Skelton
Israel	Mollohan	Slaughter
Jackson (IL)	Moore (KS)	Smith (WA)
Jefferson	Moore (WI)	Snyder
Johnson (GA)	Murphy (CT)	Solis
Johnson, E. B.	Murphy, Patrick	Space
Kagen	Murtha	Speier
Kanjorski	Nadler	Spratt
Kaptur	Napolitano	Stupak
Kennedy	Neal (MA)	Sutton
Kildee	Oberstar	Tanner
Kilpatrick	Obey	Tauscher
Kind	Oliver	Taylor
Klein (FL)	Ortiz	Thompson (CA)
Kucinich	Pallone	Thompson (MS)
Lampson	Pascarell	Tierney
Langevin	Pastor	Towns
Larsen (WA)	Perlmutter	Tsongas
Larson (CT)	Pomerooy	Van Hollen
LaTourette	Price (NC)	Velázquez
Lewis (GA)	Rangel	Visclosky
Lipinski	Reyes	Walz (MN)
Loebach	Richardson	Wasserman
Lofgren, Zoe	Rodriguez	Schultz
Lowey	Ross	Waters
Lynch	Rothman	Watson
Mahoney (FL)	Roybal-Allard	Watt
Maloney (NY)	Ruppersberger	Waxman
Markey	Ryan (OH)	Weiner
Marshall	Salazar	Welch (VT)
Matheson	Sánchez, Linda	Wexler
Matsui	T. Sanchez, Loretta	Wilson (OH)
McCarthy (NY)	Sarbanes	Woolsey
McCollum (MN)	Schakowsky	Wu
McDermott	Schiff	Yarmuth
McGovern	Schwartz	
McIntyre		

NOES—193

Abercrombie	Ehlers	Lewis (CA)
Aderholt	Emerson	Lewis (KY)
Akin	Everett	Linder
Alexander	Fallin	LoBiondo
Bachmann	Feeney	Lucas
Bachus	Ferguson	Lungren, Daniel
Barrett (SC)	Flake	E.
Bartlett (MD)	Forbes	Mack
Barton (TX)	Fortenberry	Manzullo
Biggert	Fossella	Marchant
Bilirakis	Foxo	McCarthy (CA)
Bishop (UT)	Franks (AZ)	McCaul (TX)
Blackburn	Frelinghuysen	McCotter
Blunt	Gallely	McCreery
Boehner	Garrett (NJ)	McHenry
Bonner	Gerlach	McHugh
Bono Mack	Gilchrest	McKeon
Boozman	Gingrey	McMorris
Brady (TX)	Gomert	Rodgers
Broun (GA)	Goode	Mica
Brown (SC)	Goodlatte	Miller (FL)
Brown-Waite,	Granger	Miller (MI)
Ginny	Graves	Miller, Gary
Buchanan	Hall (TX)	Moran (VA)
Burgess	Hastings (WA)	Murphy, Tim
Burton (IN)	Hayes	Musgrave
Buyer	Heller	Myrick
Calvert	Hensarling	Neugebauer
Camp (MI)	Herger	Nunes
Campbell (CA)	Hobson	Pearce
Cantor	Hoekstra	Pence
Capito	Hunter	Peterson (PA)
Carter	Inglis (SC)	Petri
Castle	Issa	Pickering
Chabot	Jackson-Lee	Platts
Coble	(TX)	Poe
Cole (OK)	Johnson (IL)	Porter
Conaway	Johnson, Sam	Price (GA)
Crenshaw	Jones (NC)	Pryce (OH)
Cubin	Jordan	Putnam
Culberson	Keller	Radanovich
Davis (KY)	King (IA)	Rahall
Davis, David	King (NY)	Ramstad
Davis, Tom	Kingston	Regula
Deal (GA)	Kirk	Rehberg
Dent	Kline (MN)	Reichert
Diaz-Balart, L.	Knollenberg	Renzi
Diaz-Balart, M.	Kuhl (NY)	Rogers (AL)
Doolittle	LaHood	Rogers (KY)
Drake	Lamborn	Rogers (MI)
Dreier	Latham	Rohrabacher
Duncan	Latta	Ros-Lehtinen

Roskam	Smith (NJ)	Walberg
Royce	Smith (NJ)	Walden (OR)
Ryan (WI)	Smith (TX)	Walsh (NY)
Sali	Souder	Wamp
Saxton	Stark	Weller
Scalise	Stearns	Westmoreland
Schmidt	Sullivan	Whitfield (KY)
Sensenbrenner	Tancredo	Wilson (NM)
Sessions	Terry	Wilson (SC)
Shadegg	Thornberry	Wittman (VA)
Shays	Tiahrt	Wolf
Shimkus	Tiberi	Young (AK)
Shuster	Turner	Young (FL)
Simpson	Upton	

NOT VOTING—24

Bilbray	Gonzalez	Payne
Boustany	Hodes	Peterson (MN)
Cannon	Hulshof	Pitts
Cazayoux	Lee	Reynolds
Christensen	Levin	Rush
Edwards (TX)	Moran (KS)	Udall (CO)
English (PA)	Norton	Udall (NM)
Fortuño	Paul	Weldon (FL)

□ 1552

Messrs. WELLER of Illinois, BRADY of Texas and BURTON of Indiana changed their vote from "aye" to "no."

Mr. SMITH of Washington, Ms. ZOE LOFGREN of California, Messrs. WEINER, SNYDER, COOPER, KLEIN of Florida, CHANDLER, LYNCH, Ms. KILPATRICK, Messrs. FARR, MCDERMOTT, ENGEL, ETHERIDGE, BOYD of Florida, ACKERMAN, HINOJOSA, BLUMENAUER, WELCH of Vermont, BISHOP of Georgia, COSTELLO, and LAMPSON changed their vote from "no" to "aye."

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAPUANO) having assumed the chair, Mr. ROSS, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, had come to no resolution thereon.

RECESS

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

Accordingly (at 3 o'clock and 53 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1727

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 5 o'clock and 27 minutes p.m.

MISSISQUOI AND TROUT RIVERS WILD AND SCENIC RIVER STUDY ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1419 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3667.

□ 1728

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further 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, with Mr. DOYLE (Acting Chairman) in the chair.

The Clerk read the title of the bill. The Acting CHAIRMAN (Mr. POMEROY). When the committee of the whole rose earlier today, amendment No. 3 printed in House report 110-834, offered by the gentleman from Arizona (Mr. FLAKE), had been disposed of.

AMENDMENT NO. 1 OFFERED BY MR. GRIJALVA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 0, not voting 20, as follows:

[Roll No. 581]

AYES—418

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggart
Billbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany

Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
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
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
Doollittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers

Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxy
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
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hoolley
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
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
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
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
Rodríguez
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)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shaoh
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)

Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)

Wolf
Woolsey
Wu
Yarmuth

Young (AK)
Young (FL)

NOT VOTING—20

Abercrombie
Baca
Cardoza
Caza youx
Christensen
Culberson
Feeney

Fortuño
Harman
Hinojosa
Hodes
Hulshof
Keller
Lee

Levin
Oliver
Ortiz
Peterson (MN)
Peterson (PA)
Pitts

□ 1753

Mr. MACK changed his vote from “no” to “aye.”

So the amendment was agreed to. The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. POMEROY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, pursuant to House Resolution 1419, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. SALI. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SALI. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Sali of Idaho moves to recommit the bill H.R. 3667 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

At the end add a new title designated and entitled “Title II—American Energy Act”, comprised of the text of H.R. 6566, 110th Congress, as introduced in the House of Representatives (and conform the title designation, section numbers, and any references to such sections, accordingly).

Mr. GRIJALVA. Madam Speaker, I reserve a point of order on the motion. The SPEAKER pro tempore. A point of order is reserved.

The gentleman from Idaho is recognized for 5 minutes.

Mr. SALI. Madam Speaker, today, millions of Americans will go to work, and the overwhelming majority of them will drive. No matter what type of car they use, tens of millions of Americans will use privately owned passenger automobiles to get to and from work and school, the stores where they shop, and the soccer fields where their kids practice. That's reality. That's here and now.

We have to think about how to help the people that we represent today, the great majority of our fellow citizens for whom the past few months have been an energy nightmare.

We are here today because my colleagues and I on this side of the aisle believe in what our distinguished leader has called the All-of-the-Above Energy Agenda. Many of us, including me, came here during the August recess to call on our friends in the majority to come back and work with us on an energy policy that would enable us to access America's incredible natural resources in an environmentally responsible way quickly and effectively.

That's why I'm offering this motion to recommit so that the House may vote on the American Energy Act now. Madam Speaker, this is a question of stewardship. We all look forward to a future where fossil fuels are less prevalent. We're all working toward that future. We need to pursue solar and wind power, advance hydrogen fuel cell technology, and encourage nuclear energy so we can cut through the red tape and construct plants as soon as possible.

All of these are components of the American Energy Act, and I rise to call for a vote on that act today. But the American Energy Act also calls for drilling right now.

□ 1800

We need to drill—drill offshore, drill in ANWR, drill in the National Petroleum Reserve in Alaska, drill in the new fields of North Dakota—aggressively develop oil sands and oil shale; we need to drill wherever there is a realistic promise of obtaining fuel for America's families.

Let me give you some examples of why. According to an assessment conducted by the Minerals Management Service of technically recoverable oil and natural gas, the OCS contains 86 billion barrels of oil and 420 trillion cubic feet of natural gas. Both could be obtained safely and in an environmentally sound way.

In addition, there are an estimated 18 billion barrels of oil and 76 trillion cubic feet of natural gas, or approximately 20 percent of the undiscovered technically recoverable resources in the OCS that are completely off-limits today, but the extreme lobby that seems to have a grip on the majority's

energy policies won't allow us to go get it, and people suffer as a result.

My motion to recommit promotes and offers effective incentives for energy conservation and more efficient use of our energy resources. It promotes all manner of alternative energy sources, and even establishes a renewable energy trust fund using revenues generated by exploration in the deep ocean and on the Arctic coastal plain.

We fuel our cars and trucks and heat our homes and businesses because hardworking men and women take risks, drill for oil, refine it, store it, ship it and then sell it to individual customers. We need more of it—a lot more—now.

We are all mindful that drilling won't make our energy problems disappear, but it will start us in the right direction. In the next few years, the oil that new drilling provides would start flowing into our fuel pumps. And in the interim, the fact that America is finally shattering our long-term dependence on foreign oil will send an unmistakable signal to friend and foe alike that America will use more of her own resources and thereby regain a degree of economic independence that we have lost for far too long.

We have heard talk that there will be another new comprehensive energy bill from the Democrats. We also just took a break for more than an hour because there is not agreement across the aisle on what that bill will look like. Apparently, there are real questions whether the Democrat Members even support the proposal of Speaker PELOSI of a day ago. But I submit that now is the time to stop politicking, to do the right thing and vote on this motion to recommit right now. Everything the American public is asking us to do is included in this motion. America wants this all-of-the-above kind of legislation.

Now a point of order has been reserved. That means that those across the aisle will try to beat this motion on a technicality. If we ask Americans, do you care more for an amendment to this river study bill that is totally free of technicalities or for Congress to finally vote to conserve, produce alternative energy and drill here and drill now, we all know they wouldn't care one whit about technicalities. They want energy.

Earlier, Chairman RAHALL said Republicans and Democrats have been too busy trying to blame each other for high gas prices. Well, I say America is blaming all of Congress for high gas and diesel prices. And I submit on my side of the aisle, by offering this amendment—that America wants—we're doing our part to make things right with the American people.

I invite my colleagues across the aisle, don't sidestep this opportunity to do the right thing because of a technicality. Do the right thing. Vote for this motion to recommit so we can finally get the job done that the American public is demanding.

POINT OF ORDER

Mr. GRIJALVA. Madam Speaker, I make a point of order that the motion to recommit contains nongermane instructions in violation of clause 7 of rule XVI.

Let me add, Madam Speaker, the Office of the Inspector General just released an investigation that they conducted on the office responsible for protecting the taxpayers in the royalty collections on our public lands. Let me just give a couple of quotes from the summary of the report.

"A culture of ethical failure. The single most serious problem our investigations revealed is a pervasive culture of exclusivity, exempt from the rules that govern all other employees of the Federal Government. In other cases, the results of our investigation revealed a program taxed with implementing a business model program, such as royalty-in-kind marketers, donned a private sector approach to essentially everything they did. This included effectively opting themselves out of the Ethics in Government Act, both in practice, and at one point even explored doing so by policy or regulation. We also discovered a culture of substance abuse and promiscuity in the RIK program, both within the program, including supervisors who engaged in illegal drug use and had sexual relations and consort with industry in the oil business."

I mention those because the gravity of this particular problem, this pathological behavior, should be noted and looked into by this Congress. When we get our new energy policy on the floor—soon—I hope that the other side will join with me in ensuring that ethical reform of the agency responsible for the protection of the taxpayers' investment are part and parcel of any comprehensive energy reform.

With that, I insist on the point of order, Madam Speaker.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The gentleman from Arizona makes a point of order that the instructions in the motion to recommit are not germane. The bill, H.R. 3667, as amended, is confined to the study of two rivers under the Wild and Scenic Rivers Act and closely related issues.

The instructions in the motion to recommit address H.R. 6566, a bill containing subjects unrelated to the pending bill and containing provisions outside the jurisdiction of the Committee on Natural Resources. As such, the Chair finds that the motion to recommit is not germane. The point of order is sustained.

Mr. SALI. Madam Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. GRIJALVA

Mr. GRIJALVA. Madam Speaker, I move to table the appeal of the Chair.

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

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

Mr. SALI. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on the passage of the bill, if arising without further proceedings in recommitment, and the motion to suspend the rules with regard to H.R. 4081.

The vote was taken by electronic device, and there were—yeas 228, nays 187, not voting 18, as follows:

[Roll No. 582]

YEAS—228

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

Visclosky
Walz (MN)
Wasserman
Schultz
Waters

Watson
Watt
Waxman
Weiner
Welch (VT)

Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggart
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Hall (NY)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez

Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaull (TX)
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave

Myrick
Neugebauer
Nunes
Paul
Pence
Peterson (PA)
Petri
Pickering
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Baca
Cardoza
Cazayoux
Davis (AL)
Feeney
Fossella

Harman
Hinojosa
Hodes
Hulshof
Lee
Levin

McCrery
Neal (MA)
Ortiz
Pearce
Peterson (MN)
Pitts

□ 1825

Mrs. McMORRIS RODGERS changed her vote from “yea” to “nay.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO RECOMMIT

Mr. BOEHNER. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BOEHNER. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr Boehner moves to recommit the bill H.R. 3667 to the Committee on Natural Resources with instructions to report the same back to the House promptly in the form to which perfected at the time of this motion, with the following amendment:

After the new paragraph (19)(A) added to section 5(b) of the Wild and Scenic Rivers Act, insert the following (and redesignate the subsequent subparagraphs accordingly):

“(B) include in the study completed under this paragraph an assessment of any effect a wild and scenic designation in the study area is likely to have on jobs, including agricultural employment;”.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 5 minutes.

Mr. BOEHNER. Madam Speaker and my colleagues, on behalf of all my Republican colleagues, I want to welcome my Democrat colleagues back to the House.

Five weeks ago, after the protest of the minority, you adjourned the House without a vote on the American Energy Act, H.R. 6566. You and your fellow Democrats left town for five weeks, but Republicans refused to leave. And we were here each and every day during the August recess talking to thousands of Americans that were coming through the Capitol, and we stood here every day asking for a vote on our bill that does all of the above, the American Energy Act; a bill that the American people want us to vote on. And that’s all we’re asking for is a vote.

And today, instead of allowing a vote on our all-of-the-above plan, there are rumors that there is going to be a bill coming to the floor quickly that no one has ever seen, that does some of the above, maybe a little of the above, but clearly not what the American people want, which is “all of the above,” some bill that’s being written in the back room in the dark of night that no one has yet seen.

Now, listen, the American people don’t want a sham. They don’t want a hoax. They have suffered all summer long in the face of high gas prices and high energy prices, and they are demanding a vote here in this Congress on a plan that does all of the above, not some of the bill, not a little bit of the above, but all of the above.

Madam Speaker, you promised that this would be the most open and accountable Congress in history. And in that light, I respectfully ask you now give the American people a vote on the American Energy Act, H.R. 6566. Will it be on the floor this week? Will you commit to giving the American people a straight up-or-down vote on a plan they want, the all-of-the-above plan, the American Energy Act?

Madam Speaker, this is the U.S. House of Representatives. As all of my colleagues have known, we all refer to this as the people’s House because none of us got here without being elected by all of the people in our districts. Why

not let the House work its will? Why not allow the Congress to decide the future of our energy security here in America? And I don't think the American people are going to rest until Congress takes action on energy that does all of the above.

So, Madam Speaker, I ask unanimous consent to amend my motion to recommit to include the text of H.R. 6566, the American Energy Act.

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

Mr. GRIJALVA. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. BOEHNER. Madam Speaker, this is a sham. I withdraw my motion.

The SPEAKER pro tempore. Without objection, the motion is withdrawn.

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage will be followed by a 5-minute vote on the motion to suspend the rules with regard to H.R. 4081.

The vote was taken by electronic device, and there were—ayes 299, noes 118, not voting 16, as follows:

[Roll No. 583]

AYES—299

Abercrombie	Castle	Etheridge
Ackerman	Castor	Farr
Alexander	Chandler	Fattah
Allen	Childers	Ferguson
Altmire	Clarke	Filner
Andrews	Clay	Fortenberry
Arcuri	Cleaver	Fossella
Baird	Clyburn	Foster
Baldwin	Cohen	Frank (MA)
Barrett (SC)	Conyers	Frelinghuysen
Barrow	Cooper	Gallegly
Bartlett (MD)	Costa	Garrett (NJ)
Bean	Costello	Gerlach
Becerra	Courtney	Giffords
Berkley	Cramer	Gilchrest
Berry	Crowley	Gillibrand
Biggart	Cuellar	Gonzalez
Bilirakis	Cummings	Gordon
Bishop (GA)	Davis (AL)	Green, Al
Bishop (NY)	Davis (CA)	Green, Gene
Bishop (UT)	Davis (IL)	Grijalva
Blumenauer	Davis, Lincoln	Gutierrez
Bonner	Davis, Tom	Hall (NY)
Bono Mack	DeFazio	Hare
Boren	DeGette	Hastings (FL)
Boswell	Delahunt	Hayes
Boucher	DeLauro	Herseth Sandlin
Boyd (FL)	Dent	Higgins
Boyd (KS)	Diaz-Balart, L.	Hill
Brady (PA)	Diaz-Balart, M.	Hinchev
Braley (IA)	Dicks	Hirono
Brown, Corrine	Dingell	Holden
Brown-Waite,	Doggett	Holt
Ginny	Donnelly	Honda
Buchanan	Doyle	Hooley
Butterfield	Edwards (MD)	Hoyer
Camp (MI)	Edwards (TX)	Inglis (SC)
Cannon	Ehlers	Inslee
Capito	Ellison	Israel
Capps	Ellsworth	Jackson (IL)
Capuano	Emanuel	Jackson-Lee
Carnahan	Engel	(TX)
Carney	English (PA)	Jefferson
Carson	Eshoo	Johnson (GA)

Johnson (IL)	Mitchell
Johnson, E. B.	Mollohan
Jones (NC)	Moore (KS)
Kagen	Moore (WI)
Kanjorski	Moran (VA)
Kaptur	Murphy (CT)
Kennedy	Murphy, Patrick
Kildee	Murphy, Tim
Kilpatrick	Murtha
Kind	Nadler
King (NY)	Napolitano
Kirk	Neal (MA)
Klein (FL)	Oberstar
Knollenberg	Obey
Kucinich	Oliver
Kuhl (NY)	Pallone
LaHood	Pascrell
Lampson	Pastor
Langevin	Payne
Larsen (WA)	Perlmutter
Larson (CT)	Peterson (PA)
LaTourette	Petri
Lewis (CA)	Platts
Lewis (GA)	Pomeroy
Lipinski	Porter
LoBiondo	Price (NC)
Loeback	Pryce (OH)
Lofgren, Zoe	Rahall
Lowe	Ramstad
Lynch	Rangel
Mahoney (FL)	Rehberg
Maloney (NY)	Reichert
Manzullo	Renzi
Markey	Reyes
Marshall	Richardson
Matheson	Rodriguez
Matsui	Rogers (AL)
McCarthy (NY)	Rogers (MI)
McCaul (TX)	Ros-Lehtinen
McCollum (MN)	Ross
McCotter	Rothman
McDermott	Roybal-Allard
McGovern	Ruppersberger
McHenry	Rush
McHugh	Ryan (OH)
McIntyre	Salazar
McKeon	Sánchez, Linda
McNerney	T.
McNulty	Sanchez, Loretta
Meek (FL)	Sarbanes
Meeks (NY)	Saxton
Melancon	Schakowsky
Michaud	Schiff
Miller (MI)	Schmidt
Miller (NC)	Schwartz
Miller, Gary	Scott (GA)
Miller, George	Scott (VA)

NOES—118

Aderholt	Foxx	Myrick
Akin	Franks (AZ)	Neugebauer
Bachmann	Gingrey	Nunes
Bachus	Gohmert	Paul
Barton (TX)	Goode	Pearce
Bilbray	Goodlatte	Pence
Blackburn	Granger	Pickering
Blunt	Graves	Poe
Boehner	Hall (TX)	Price (GA)
Boozman	Hastings (WA)	Putnam
Boustany	Heller	Radanovich
Brady (TX)	Hensarling	Regula
Broun (GA)	Herger	Reynolds
Brown (SC)	Hobson	Rogers (KY)
Burgess	Hoekstra	Rohrabacher
Burton (IN)	Hunter	Roskam
Buyer	Issa	Royce
Calvert	Johnson, Sam	Ryan (WI)
Campbell (CA)	Jordan	Sali
Cantor	Keller	Scalise
Carter	King (IA)	Sensenbrenner
Chabot	Kingston	Sessions
Coble	Kline (MN)	Shadegg
Cole (OK)	Lamborn	Shuster
Conaway	Latham	Simpson
Crenshaw	Latta	Smith (NE)
Cubin	Lewis (KY)	Souder
Culberson	Linder	Stearns
Davis (KY)	Lucas	Sullivan
Davis, David	Lungren, Daniel	Tancredo
Deal (GA)	E.	Thornberry
Doolittle	Mack	Tiahrt
Drake	Marchant	Walberg
Dreier	McCarthy (CA)	Wamp
Duncan	McMorris	Weldon (FL)
Emerson	Rodgers	Westmoreland
Everett	Mica	Wilson (NM)
Fallin	Miller (FL)	Wilson (SC)
Flake	Moran (KS)	Wittman (VA)
Forbes	Musgrave	Young (AK)

NOT VOTING—16

Baca	Hinojosa	Ortiz
Berman	Hodes	Peterson (MN)
Cardoza	Hulshof	Pitts
Cazaououx	Lee	Velázquez
Feeney	Levin	
Harman	McCrery	

□ 1849

Messrs. FORBES and WITTMAN of Virginia changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had passed with an amendment a bill of the House of the following title:

H.R. 6532. An act to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

QUESTION OF PERSONAL PRIVILEGE

Mr. RANGEL. Madam Speaker, I rise on a question of personal privilege under rule IX.

The SPEAKER pro tempore. The Chair has been made aware of a valid basis for the gentleman's point of personal privilege.

The gentleman from New York is recognized for 1 hour.

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

Mr. RANGEL. Not to worry, my friend and colleagues. I have no intentions of keeping you for 1 hour, especially at this time of the day. But a couple of weeks ago the leadership of the minority had asked that I be thrown out of the House and censured based on a newspaper story, and I just want to thank those people who were thoughtful enough to think that even Members of Congress at some times should not rely on newspaper stories, but rather the Ethics Committee, which is bipartisan. More recently, however, my dear friend JOHN BOEHNER has asked the Speaker to ask me to step aside as the chairman of the Ways and Means Committee.

Now I say "my dear friend John Boehner," not as this word is tossed around in the House and Senate casually. I say it because JOHN BOEHNER has, for many, many years, been my friend. We have worked so closely together in bipartisan areas that just a couple of weeks ago he allowed me to strengthen my relationship with JIM MCCRERY on the Ways and Means Committee to get unemployment compensation passed, and lauded our efforts, as I lauded his.

I look around and I see GEORGE MILLER, who more than once said what a straight shooter he has been on Education. STENY HOYER has reminded me

that, you know, he may disagree with JOHN BOEHNER, but one thing is clear, that when you speak to him, that he says what he means and he means what he says.

Well, I don't really think he means that I am incompetent and should step down. I don't think he really means or thinks that the Speaker is going to remove me from the House of Representatives. I don't think that he thinks I am a threat to this honorable House, which I am so proud to be a Member of. And for those people who say hey, let the Ethics Committee make the decision, I thank you for myself, for my name, for my friends and for my supporters.

But believe it or not, I want to do this for the House of Representatives. I don't want any Member, Republican or Democrat, that is less politically secure than me to go through what I have had to go through for the last several weeks, because for them they never could survive. They would lose the election. And it won't be of anything that the voters knew. It would be what this Congress has done to each other.

You know, the Ways and Means Committee, we made a special effort to be civil, even when we disagreed. We are so proud, with the support of Speaker PELOSI, of STENY HOYER, and, yes, JOHN BOEHNER, working with us and trying to see what we can get done.

At the end of this election, this Congress is going to have serious things to take care of. And we won't have Democratic solutions to taxes and health and Social Security and the variety of things with peace and war. We are going to have to resolve these issues as a United States Congress in a bipartisan way. There is not going to be any Democratic way to do it.

And we are going to have to work together, not because we like each other, but we have a special responsibility to the people of the United States to make certain that our reputations may be low in terms of production, but if someone doesn't get health care, doesn't get that Social Security check, or for any reason finds himself without a house, they are not going to say the Democrats did it or the Republicans did it. They are going to say that this Congress let them down. It is going to be difficult, no matter who is the President or who is in the leadership.

But it does not help to polarize this body and take wild shots at each other, whether they are chairmen or whether they are freshmen, knowing that at the end of the day you are not going to accomplish anything substantive, but you are going to make it more difficult for us to get a law.

Do I say that JOHN BOEHNER knows this? I tell you this: To show you the depth of my friendship, I am embarrassed that he feels he has to do this. There is no way in the world, based on his knowledge of my love for this House, that he would believe that I would do anything to dishonor it. And

there is no question in my mind that at the end of the day, when the dust settles, that this issue is going to be moot. But I just don't know what the relationship between people is going to be. So I don't know the next move, but I would suggest that this is not the way to go.

JOHN BOEHNER, JOHN BOEHNER, JOHN BOEHNER. On the Tim Russert show, what they did to my friend there in saying that he was passing out illegal checks on the floor. A mistake? We all make them, and we all have to say we are sorry. But we all don't have to attack each other, because at the end of the day, that is all we may have to do to each other and get nothing done.

I am suggesting to you this: Mistakes may have been made by me, and I briefly want to let you know the issues that are before the Ethics Committee as relates to three subjects. And I will be brief.

Some 20 years ago, I was in the Dominican Republic. I got a call from a long and dear friend of mine to visit this place called Punta Cana, Dominican Republic, where he had some dream of making this a resort. I didn't want to go. My wife said friendship dictated it.

I got there and he was telling me about the dream. And I was impressed with his dream, but I said, what the heck has that got to do with me?

Well, he says, they want to start, they want to build some beach houses here, and there is the sand and there is the beach, and I think it's a good deal.

I said, it may be a good deal for you, but I really don't need a beach house and I can't afford it. And, besides, there is no house here.

He says, no, we haven't built them yet.

So I said, look, Ted, I don't have the time.

By the time they showed me the renderings, and they told me that it would cost \$82,000, I said I wish I had the \$82,000. Good-bye.

He says, no, if you have got \$28,000, then all they have to do is take the rentals from it and reduce the mortgages, and you can only use it for 9 months, but ultimately it would be yours.

I said, we can talk.

I refinanced my house. We had no savings, no nothing, and, quite frankly, I relied on the reputation, as I did then and will now, of a guy whose reputation is untouched.

Gradually the mortgage was coming down. I had received no financial statement. I could not break the culture in terms of Dominican and Spanish. I received no money, no check. Never did. But let's face it, I should have known. And after this hit the fan, I had my lawyer to go. He broke the balance and found out the fact that they didn't give out statements. Some years there was no statement. There was a half a dozen statements that we have accumulated. And then we took the balance, added to the mortgage of about \$50,000, another \$20,000 for another room.

All of the reports would indicate that RANGEL had a cash cow. RANGEL got some money. No. What happened was anybody who had a villa, whatever money they got, the hotel first would take their cut. Then they would take out taxes, they would take out renovations, they would take out hurricane expenses, they would take out interest, they would take out everything. At the end of the thing, whether your place was used or not used, they would equally distribute the money. Some years it was \$5,000. Some years it was nothing.

How many times did I use it in the nine weeks? I wish I had used it for nine weeks. I never spent nine days down there. I have never spent more than four days in any one year, and in several years I never was able to get there at all.

What has this got to do with the charges and the allegations? The charges and the allegation is how did he get rid of the mortgage? And the mortgage is that if I had done what I was supposed to have done, I would have found some way to find our how the allocation was there. Because legally and theoretically, the reduction of the mortgage meant income was coming somewhere, even if I didn't receive it.

□ 1900

And I should have found that out because, at the end of the day, my accountant tells me after 20 years of research there would be no tax liability because of the deduction of the foreign tax, which was higher, because I was an American and because of depreciation. They changed it and said that because I sold the house that I was raised in that it did not allow me to take full credit that I could have done for that year. It means, at the end of the day, my accountant believes that I would be liable for \$5,000. Do I take that lightly? No.

As a Member of Congress, as a public servant, I should have a higher standard than most people. Whether I owed \$5,000 or \$5 million, it was wrong, but it certainly doesn't mean that I should be kicked out of the House and say that I caused disservice to this august body. I just hope none of you have ever made mistakes on your income taxes, because what I have done is I've gone back 20 years and I've waived all statutes, and I'm prepared to pay whatever price there is, and I hope that at the end of the day that will take care of that. That's the roughest one.

The second thing is that one would have you to believe that I received some type of a gift in housing, because the headline is that RANGEL had four subsidized apartments in New York. The fact that there is no law in having four subsidized apartments in New York, of course, is no account to anybody. I don't have four apartments.

Briefly, what happened is that, 20 years ago, the kids were grown. We got tired of paying the bills on our house and getting into oil and doing all those

things. My wife said let's move to an apartment. I'd spent all of my life on 32nd Street and Lenox Avenue. She finds a place on 35th and Lenox Avenue. I refused to leave Harlem then as I do now, and there was a place called Lenox Terrace, where we now live, that had so many vacancies.

At that time 20 years ago, there weren't a whole lot of people who could afford not to live in Harlem, who were rushing to get into Harlem. Crime was really high. There were a lot of vacancies there, but they did have a doorman, and I felt since I was away from home so much that it might provide some security to my wife. In that house, people knowing that Alma would want to leave, there was a popular reverend, a pastor, and he, too, was leaving Harlem and was leaving an apartment that he had. I did not know and did not care that the apartment that he managed to get for us actually had been two apartments. He had it as one apartment. I got a lease for one apartment. I paid rent for one apartment. There's no way in the world I can imagine what it looked like when it was two apartments, and I don't care what the architect says. Under the law, that is one apartment.

Ten years after I was in the apartment, my wife was notified by the landlord—incidentally, he was the one who was supposed to give me the gift. I wouldn't know what he looks like. I've never met him in my life or his agent, but he was saying that there was a studio apartment next to mine, and did I have any interest in it. They were really pushing apartments then. My wife says she didn't see any need for it.

I said, "Well, let's talk about this, Alma. You don't want my political friends to come here and talk in the living room. You get so tired of me doing my work, you know, while you're doing something else. You don't want any smoke in here. I can't have a card game here. Let's take a look at this one room apartment."

I took it, and I can tell you that it saved my marriage. There's not a day when I'm home that I don't spend some time just sitting there. Sometimes it's reading. Sometimes it's studying. Sometimes the gang comes. Sometimes we raise a lot of devil. I pay the maximum rent for what cannot be described physically as any more than two apartments, but we can get two—the so-called fourth and third apartments.

It's hard for me to admit to those of you who have a lot of political problems that, for most all of my political life in Congress, I've never picked up the phone to ask anybody to give me any money because I'd never really had any problems. I did have a guy in Washington that would give a fundraiser—one in Washington and one in New York—but it's kind of hard, when you're not challenged, to ask for money, but I guess it was my personality or my seniority on the Ways and

Means Committee, one or the other. Somehow funds were coming in, so I hired somebody. We worked down at the political club. The money was coming in. He said he needed a little help. He thought that I should open up a headquarters. Well, I don't agree in spending a lot of money, but he said he'd heard that the Lenox Terrace, where I lived, had people living in apartments that were converted but that were not commercial for running McDonald's and other business.

I said, "Do what you want. We can afford to do it."

They got this apartment. A staff of two became a staff of three, four and five, and I guess the Republican campaign committee can tell you how successful I've been.

It reached the point where they said, "Look, Congressman. We've got too many people. There's no air conditioning here. We need more space. Things are going well. You're sending out a lot of checks. We will not renew the lease." This is before what happened in the paper.

I said, "Do what you have to do."

They spoke with the landlord and negotiated: an apartment with him for a larger staff, office accommodations in a place that was double the rent, much larger, right there in the Lenox Terrace, which means that everyone knew what they were doing and what other people were doing. We decided it would be best just to leave the Lenox Terrace in lieu of what happened because it was just too awkward.

That ends, once and for all, the whole idea of a gift. I paid the maximum rent. If I'd decided that because I wanted to please somebody that I should look for a marketplace rent, I would not know where to go, but I sure am not going to give the landlord what I think is a higher rent because I want to please somebody as to what is market rent, but if I'd left the apartment because of some foolish, stupid reason, the landlord would've come in, slapped some paint on it and doubled the rent. So, therefore, it would not be of any assistance to somebody of a lesser income.

Whatever doubts you may have, which I don't see how—I told somebody show me the gift, and I'll walk away. Leave it to the bipartisan Ethics Committee to decide. It's not only the right and fair thing to do. It's the only thing to do.

The last point gives me a little more difficulty. They are saying that I may have used my stationery to solicit funds for the City College of New York for an institution that the board of trustees has named the Charles Rangel Public School for Public Service.

I have to let you know that, on November 30, 1950, I was shot and left for dead in Korea, and I came home in '52. I had more medals, more self-esteem than any guy 22 years old should have. The only time it was shattered is when I went for a job and found out that nobody wanted heroes, that nobody wanted infantry men and that nobody want-

ed the expertise that I enjoyed in directing fire on the enemy to 18 155-millimeter Howitzers at 75 shell bombs on the enemy. So, it was clear that I not only was unemployed but that I was unemployable. It was clear in one day when I had my truck full of stuff on the street in the Garment Center that I joined the Army to avoid. The rain came; the boxes were scattered all over, and the policeman was cursing me out for blocking traffic. Sergeant RANGEL was being cursed out on a public street.

I dropped everything. I went to the VA, and I said, "I need some help." They told me that because I had to go back to high school that I couldn't go to college. I raised so much hell. Finally, because of the GI Bill—I was a high school dropout—I got the training to become a Member of Congress, a member of the Ways and Means Committee and become its chairman.

Am I overzealous about education? You bet your life. Do I go everywhere and tell businesspeople that you owe it to this country to assist us in making certain that Americans can produce, that we shouldn't be embarrassed of having to import people here who have knowledge in science and all of that? I want America to be as strong as it can be, and I'm going to do everything legally, morally and ethically possible to make certain that we support our young people and expose them to education.

This CCNY, this City College of New York, has excelled. Colin Powell and so many people had dreams and have succeeded. All I was saying is that we have thousands of Barack Obamas in the Black community. We have so few who are willing to get involved in public service. They go to Wall Street. They make their money and they're bright. What I want to do is to encourage minorities and be able to say, "Hey, you don't have to run for public office, but please understand the importance of public service." They said, "There should be a school for you to do that." I said, "Well, let's get a school. Let's do it." They said, "Let's do it."

Two, three days ago, I heard Secretary Rice talking to some group, and she was saying that she goes to so many countries and that she doesn't see people in the Foreign Service who look like her. Those who look like the gorgeous mosaic of America is not abroad. But she said, "Thanks to Congressman RANGEL, we have worked out a program where we go to the historically Black colleges where we train these people there. When they graduate, they not only have degrees, but they are members of the Foreign Service, and they learn to understand the great contribution they can make to this country." That was what I wanted to do.

I made certain that, in this letter, I did not ask for any public funds or for any kind of funds at all, but they said, because they knew that the reason I wanted these not-for-profit people,

these private people, to take a look and see whether they could support this not-for-profit public college, there may have been some stretch in the line because it was on stationery. Had I not had the seal that had the Capitol, it would have been all right.

I'm glad this happened because I'm going to find some way to do what I do, and I'm going to do it the way the Ethics Committee says to do it, but I hope I can get some of you to encourage the private sector to do what our government is not doing. Education is too important to leave to the local and State schools. Corporations have an obligation to help us to educate our people. Condoleezza Rice said it, and I truly know that you believe a failure to educate our young people is a threat to our national security. If for whatever reason the Federal Government is not doing it, everyone ought to do their bit. So, whatever the Ethics Committee says to do, we have to do.

Finally, I've changed my mind in bringing to your attention how they beat up on Mr. BOEHNER on the Tim Russert show: where he's been, how he got there and what he violated. At the end of the day, I think I'm trying to make certain that my presentation ends up on as positive a note as I can because of my longtime respect for my friend. Mr. BOEHNER said it was a big mistake and I regret it. I shouldn't have done it. It was an old practice in the House that had gone on for a long time. Well, I think he knows what I'm talking about.

If you made a mistake, I may have made a mistake.

I'll tell you one thing. The judgment of our mistakes should not be to attack each other. It should not be to defame us in front of our family and friends. Whatever difference that we had with each other, that's why we have the Ethics Committee. So, at the end of the day, that's how it's going to be resolved. We don't have that many issues that we've got to work with, perhaps, in a bipartisan way. Whatever we have to do because of the election we have to do, and I don't expect this short talk is going to change anything, but I do hope there is one thing that we keep in mind: that for those of us who are going to be here next year with a new administration, the last thing we have to do is to threaten each other politically and destroy the friendships and the camaraderie that we have worked so hard to try to restore.

I conclude by letting you know that some of you old-timers may know a guy named Guy Vander Jagt. Guy Vander Jagt was chairperson of the Republican Campaign Committee. Could he speak? Could he raise money? Was he partisan? Guy Vander Jagt was my friend. Guy Vander Jagt would come to my fund-raisers. I would stop over to his. His wife and my wife are the best of friends. Even though Guy Vander Jagt is gone, they asked me to speak in the Congress to say how he was loved by both sides. Was he a good Repub-

lican? Was he fierce? Was he eloquent? Was he liked? Yes.

I don't think I'll live long enough to see the days when we'll have that type of relationship. The little we do have let's not destroy. We have a big responsibility to our Nation and to this Congress. I know in my heart that my friend JOHN BOEHNER does not mean truly what he has said, and whoever has put him in the position where he felt that he had to say it, hey, it's campaign time. I understand it. It has to stop somewhere before we leave here. I hope it can stop now.

I yield back the balance of my time.

□ 1915

Mr. BOEHNER. Madam Speaker, I demand a point of personal privilege under the rules.

The SPEAKER pro tempore. The Chair has not been made aware of the basis for the point of personal privilege. Does the gentleman seek recognition under unanimous consent?

Mr. BOEHNER. Madam Speaker, I ask unanimous consent to speak out of order for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

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

Mr. BOEHNER. I appreciate all my colleagues and their endurance in this. And you all should know that CHARLIE RANGEL and I are friends. We've had fierce debates. We've worked together on many bills, and he's someone who I talk to virtually every day in this House. And it pains me, it pains me to do what I had to do on behalf of my colleagues.

We all live under a system of laws; not only all of us, but all of the American people. Those of us that work in this Chamber, we work under a set of laws and a set of rules. And when the rules are violated, the court system doesn't take into effect whether you were aware of the rules or you were aware of the laws. You either violated the laws or you didn't.

And I say to my friend from New York that, considering the stories that occurred over the summer about the rent-controlled apartments, the fact that one of them was a campaign office, you could conjure up the fact that because it was rent-subsidized that it was, in fact, a campaign gift. And this latest round of stories—

Mr. RANGEL. Will you yield just on that one point?

Mr. BOEHNER. I will be happy to yield.

Mr. RANGEL. Rent-subsidized. If you lived a million years you could not tell where one subsidy came from. Stabilization and subsidies are entirely two different things. There is no subsidy involved. It's a cap.

Mr. BOEHNER. Reclaiming my time. And then this latest round of stories that the gentleman from New York was kind enough to share with all of us

raise serious questions, serious questions.

And I just—the point of the letter that was sent yesterday was to ask the gentleman if he would step aside until the Ethics Committee had time to investigate this.

I believe that the Ethics Committee needs to do its job, not just in this case, but in all cases. And I've been concerned for some time that the Ethics Committee has not been a functioning committee of the House. I understand the current circumstances. We all understand the current circumstances.

But I don't want to condemn the gentleman. I've never convicted the gentleman, nor would I, because he is my friend. But just because he's my friend doesn't mean that I can excuse him from the rules of the House or the law of our land.

And so I ask my colleagues to work with us. I believe, like CHARLIE does, that we, as a Congress, have to find a way to get beyond what's gone on around here over the last 7 or 8 years, that we have to find a way to work together.

If you look at the issues that CHARLIE and I have worked on, GEORGE MILLER and I have worked on, and a lot of other Members that I've worked on on both sides of the aisle, the big issues of our country will not get done by one side or the other. They will only be addressed in a bipartisan way if we're going to be successful. And we know we have big issues facing this country that are being ignored because we're too busy clawing at each other.

My intent here is not to claw at my friend from New York. My intent here is to have justice and to have all of us live by the rules of the House.

I'm sorry that I had to do it, but I have a job to do on behalf of my colleagues in this Chamber. I believe all of us are being held accountable and should be held accountable.

Yes, I've made mistakes, and I've paid for them. I just think that the sooner we get this cleaned up, the better.

But, in the meantime, in fairness to the Members of the House, that stepping aside would, in fact, be the right thing to do.

PREVENT ALL CIGARETTE TRAFFICKING ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4081, 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 Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 4081, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 12, not voting 42, as follows:

[Roll No. 584]

YEAS—379

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyd (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite,
 Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.

Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchev
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hoolley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
 (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jordan
Kagen
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)
Lipinski
LoBiondo
Loeb sack
Lowe y
Lucas
Lungren, Daniel
 E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
 Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Pallone
Pascarell
Payne
Pearce
Perlmutter
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reynolds

Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sali
Sánchez, Linda
 T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter

Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney

Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—12

Barton (TX)
Broun (GA)
Carmell (CA)
Coble

Ellsworth
Flake
Kingston
McHenry

Oberstar
Paul
Sullivan
Young (AK)

NOT VOTING—42

Baca
Becerra
Bilbray
Blackburn
Buyer
Cardoza
Cazayoux
Cramer
Dicks
Feehey
Gonzalez
Grijalva
Gutierrez
Harman
Hinojosa

Hodes
Hulshof
Johnson, Sam
Lee
Levin
Linder
Lofgren, Zoe
McCreary
Murtha
Napolitano
Ortiz
Pastor
Pence
Peterson (MN)
Pitts

Rangel
Renzi
Reyes
Roybal-Allard
Rush
Salazar
Saxton
Serrano
Solis
Velázquez
Wasserman
Schultz
Westmoreland

□ 1941

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. Madam Speaker, due to personal matters, today I missed rollcall vote No. 576 on ordering the previous questions to provide for consideration of H.R. 3667, rollcall vote No. 577 on passage of H. Res. 1419 to provide for consideration of H.R. 3667, rollcall vote No. 578 on final passage of H.R. 1527, rollcall vote No. 579 on final passage of S. 2617. Had I been present, I would have voted "yea." On rollcall No. 580, on the motion that the Committee rise, rollcall vote No. 581, on agreeing to the Grijalva amendment to H.R. 3667, and rollcall vote No. 583, on final passage of H.R. 3667, I would have voted "aye." On rollcall vote No. 581, on agreeing to the Grijalva Amendment to H.R. 3667, and rollcall vote No. 584, on final passage of H.R. 4081, I would have voted "yea".

AUTHORIZING THE SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES RELATING TO H.R. 6532 ON LEGISLATIVE DAY OF THURSDAY, SEPTEMBER 11, 2008

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to entertain motions to suspend the rules relating to H.R. 6532 on the legislative day of Thursday, September 11, 2008.

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Is there objection to the request of the gentleman from Washington?

There was no objection.

PERSONAL EXPLANATION

Mr. SCOTT of Virginia. Mr. Speaker, I was in my district this morning and was unable to return until after votes were called on rollcall 576, 577, 578, and 579. I would have voted "yea" on all of those bills.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3667, MISSISQUOI AND TROUT RIVERS WILD AND SCENIC RIVER STUDY ACT OF 2008

Mr. WELCH of Vermont. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 3667, including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

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

There was no objection.

BURN THE BOOKS PART II

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

Mr. POE. Mr. Speaker, our country takes pride in the first amendment right of free speech and free press, but it seems that philosophy is no longer applicable when it comes to criticizing certain religions.

Random House Publishing has decided not to print the novel "The Jewel of Medina" because Islamic radicals are a bit upset. Apparently, American author Sherry Jones hurt some feelings by writing a fiction book about Muhammad's child bride Aisha. Now Random House has been intimidated into not publishing the book because a small radical group of Islamic individuals object. Random House has given in to the threats of the religious speech and press police.

Author Salman Rushdie, who was threatened by these same type of individuals years ago because of his book, "The Satanic Verses," said that, "This is censorship by fear."

These Islamic radicals go throughout the world and denounce free speech and free press if the content is critical of Islam. Further, they demand censorship of the offensive material. Radicals cannot control and suppress the first amendment because they don't agree with what people say or print. Too bad book publishers have given up their right to a free press because now a novel offends some religious group.

And that's just the way it is.

GIVE US A GOOD ENERGY BILL

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

Mr. BURTON of Indiana. Mr. Speaker, during the August recess, I think a lot of my colleagues got the message from their constituents that they want an energy bill, they want energy independence, and they want us to start working on that right now.

I talked to some of my Democrat colleagues today, and I had an indication from them that we might have an energy bill next week. All I wanted to say to the leadership on the Democrat side is, Give us an energy bill that we can really support. Please don't give us a facade. Don't give us the frosting on the cake without the cake. We want an energy bill that will move us toward energy independence that will allow us to work and get energy from a whole host of sources, as well as the alternative sources that we're talking about in the new technologies.

Give us a good energy bill. Don't give us a piece of junk that we can't vote for.

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NOW IS THE TIME TO ACT ON AN ENERGY POLICY

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

Mr. BRADY of Texas. Mr. Speaker, I hoped to comment on the Democrat energy bill tonight, but it is still under construction in the back rooms.

What I don't understand is why this Congress, this Democrat Congress, stands in the way of the American people and does not allow a straight up-or-down vote on exploring for more energy here in America.

Our Republican plan is simple: use less energy, find more sources here in America, conserve more, bring the renewables online, but let's explore more for oil and gas in our deep ocean waters and arctic reserve. That's the only way we can have an affordable bridge to the future. We can reduce our dependence on foreign oil, and again, give some help to the families and small businesses and school districts across this country who are suffering because of high gas prices.

Now is the time to act. Now is the time. We need a straight up-or-down vote.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WE SHOULDN'T USE FORCE AGAINST IRAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, the sounds we are hearing and the signals we are seeing from the administration remind me of the months leading up to the invasion of Iraq. For all those supporters of the President who claimed 6 years ago that military intervention in Iraq would be the U.S.'s last option, we now know the war was the first, pre-ordained and only option of the administration. They just had to cook the books to make the American people believe otherwise.

America has paid a very steep price: America has lost lives; Iraqis have lost lives; \$1 trillion lost; American moral leadership in the world lost. And we cannot afford to let this administration do it again with a military strike against Iran before the President and Vice President leave office in January.

The news of late is deeply troubling, and we have a responsibility to remind the Americans of the administration's penchant to conduct diplomacy with bullets and bombs.

I believe the people have the right to know and the right to demand this administration, and the Republican ticket for the Presidency, declare there be no military strike against Iran by U.S. forces or on our behalf by a U.S. ally like Israel unless the Congress votes for it.

My concerns come directly out of the reporting by credible, mainstream international news organizations that have built their reputation on credibility.

I enter into the RECORD a September 1 story from the Jerusalem Post. The headline is: "Dutch intel: U.S. to strike Iran in coming weeks."

[From the Jerusalem Post, Sept. 1, 2008]

DUTCH INTEL: U.S. TO STRIKE IRAN IN COMING WEEKS

(By JPost.com Staff)

The Dutch intelligence service, the AIVD, has called off an operation aimed at infiltrating and sabotaging Iran's weapons industry due to an assessment that a U.S. attack on the Islamic Republic's nuclear program is imminent, according to a report in the country's De Telegraaf newspaper on Friday.

The report claimed that the Dutch operation had been "extremely successful," and had been stopped because the U.S. military was planning to hit targets that were "connected with the Dutch espionage action."

The impending air-strike on Iran was to be carried out by unmanned aircraft "within weeks," the report claimed, quoting "well placed" sources.

The Jerusalem Post could not confirm the De Telegraaf report.

According to the report, information gleaned from the AIVD's operation in Iran has provided several of the targets that are to be attacked in the strike, including "parts for missiles and launching equipment."

"Information from the AIVD operation has been shared in recent years with the CIA," the report said.

On Saturday, Iran's Deputy Chief of Staff General Masoud Jazayeri warned that should the United States or Israel attack Iran, it would be the start of another World War.

On Friday, Ma'ariv reported that Israel had made a strategic decision to deny Iran military nuclear capability and would not hesitate "to take whatever means necessary" to prevent Teheran from achieving its nuclear goals.

According to the report, whether the United States and Western countries succeed in thwarting the Islamic Republic's nuclear ambitions diplomatically, through sanctions, or whether a U.S. strike on Iran is eventually decided upon, Jerusalem has begun preparing for a separate, independent military strike.

I also enter into the RECORD the August 29 Jerusalem Post story entitled, "Israel reaches strategic decision not to let Iran go nuclear."

[From the Jerusalem Post, online edition, Aug. 29, 2008]

ISRAEL REACHES STRATEGIC DECISION NOT TO LET IRAN GO NUCLEAR
(By JPost.com Staff)

Israel will not agree to allow Iran to achieve nuclear weapons and if the grains start running out in the proverbial egg timer, Jerusalem will not hesitate to take whatever means necessary to prevent Iran from achieving its nuclear goals, the government has recently decided in a special discussion.

According to the Israeli daily Ma'ariv, whether the United States and Western countries will succeed in toppling the ayatollah regime diplomatically, through sanctions, or whether an American strike on Iran will eventually be decided upon, Jerusalem has put preparations for a separate, independent military strike by Israel in high gear.

So far, Israel has not received American authorization to use U.S.-controlled Iraqi airspace, nor has the defense establishment been successful in securing the purchase of advanced U.S.-made warplanes which could facilitate an Israeli strike.

The Americans have offered Israel permission to use a global early warning radar system, implying that the U.S. is pushing Israel to settle for defensive measures only.

Because of Israel's lack of strategic depth, Jerusalem has consistently warned over the past years it will not settle for a 'wait and see' approach and retaliate in case of attack, but rather use preemption to prevent any risk of being hit in the first place.

Ephraim Sneh a veteran Labor MK which has left the party recently, has sent a document to both U.S. presidential candidates, John McCain and Barack Obama. The eight-point document states that "there is no government in Jerusalem that would ever reconcile itself to a nuclear Iran. When it is clear Iran is on the verge of acquiring nuclear weapons, an Israeli military strike to prevent this will be seriously considered."

According to Ma'ariv, Sneh offered the two candidates the "sane, cheap and the only option that does not necessitate bloodshed." To prevent Iran's nuclear aspirations, Sneh wrote, "real" sanctions applied in concert by the U.S. and Europe is necessary. A total

embargo in spare parts for the oil industry and a total boycott of Iranian banks will topple, within a short time, the regime which is already pressured by a sloping economy and would be toppled by the Iranian people if they would have outside assistance.

The window of opportunity Sneh suggests is a year and a half to two years, until 2010.

Sneh also visited Switzerland and Austria last week in an attempt to lobby those two states. Both countries have announced massive long-term investments in Iranian gas and oil fields for the next decade.

"Talk of the Jewish Holocaust and Israel's security doesn't impress these guys," Sneh said wryly.

Hearing his hosts speak of their future investments, Sneh replied quietly "it's a shame, because Ido will light all this up." He was referring to Maj. Gen. Ido Nehushtan, the recently appointed commander of the Israeli Air Force and the man most likely to be the one to orchestrate Israel's attack on Iran's nuclear facilities, should this become the necessity.

"Investing in Iran in 2008," Sneh told his Austrian hosts, "is like investing in Krups Steelworks in 1938, it's a high risk investment." The Austrians, according to Sneh, turned pale.

In related news, Israel Radio reported that Iran has finished installing an additional 4,000 centrifuges in the Natanz uranium enrichment facility. The Islamic Republic also announced it will install an additional 3,000 centrifuges in coming months.

The pan-Arabic Al Kuds al Arabi reported Friday that Iran has equipped Hizbullah with longer range missiles than those it had before the Second Lebanon War and also improved the terror group's targeting capabilities.

According to the report, which The Jerusalem Post could not verify independently, Hizbullah would begin a massive rocket onslaught on targets reaching deep into Israel's civilian underbelly in case the Jewish State would launch an attack on Iran.

These and other news stories should remind us that this administration remains in office for several months but years ago forfeited their trust with the American people over the Iraq War.

What is especially worrisome to me is that the administration has shifted the Iraq war to the air in an effort to make it an antiseptic war that might be more acceptable to the American people. We're grateful that U.S. casualties in Iraq are down significantly, but when a war should never have been started, every single casualty is a price too high.

And today, the U.S. is an unwelcome occupier, and the administration is ignoring the wishes of the elected Iraqi Government to set a date to leave. Instead, the White House is trying to run their country and continue this war.

Bombs falling from 30,000 feet have the same devastating impact on innocent Iraq civilians as bullets and bombs at street level. We just don't hear about it much in the American news media. But I hear about it from people in the Middle East who wonder if we will ever leave Iraq and worry that an antiseptic aerial war will be used against Iran.

Where once we stood tall on the moral high ground, now decent people the world over question our motives, our resolve, and our moral leadership.

They fear, and so do I, that this administration will make the calculation that as long as we drop bombs from 30,000 feet, or fire cruise missiles from 300 miles offshore, the American people can be misled into another war. We must not let that happen.

The current leadership in Iran has few, if any, friends in this House today, and I am not one of them. But we cannot solve every challenge that confronts us with military confrontation. And we cannot meet other challenges when our moral high ground has turned into the shifting sands during this administration.

When Russia invades Georgia, who in the world is going to listen to the rhetoric of a U.S. President who invaded Iraq?

When Iraq says set a timetable to leave and this President says no, who in the world is going to listen to a President who says Iraq is a sovereign Nation?

And when this administration says they aren't planning a military strike against Iran, why would anyone in the world believe it when the fine print says all the options are still on the table?

Instead of occupying Iraq, the U.S. should be occupying the moral high ground, and we can start by stopping any effort to use force against Iran. Let's do it today before it's too late. We need, Mr. Speaker, a vote before we do anything against Iran.

WE NEED TO PROTECT OUR BORDERS

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, recently this country has been very concerned about something that's taking place in lands far, far away. It seems as though that the Russians have decided to invade the Republic of Georgia. Many Americans didn't even know where the Republic of Georgia was. Now, most of us know where it is and where it's located.

In fact, the government has been doing much lately, talking about this invasion of another country and very concerned about the people of South Ossetia that have now occupied or have their country or territory occupied by the Russians. In fact, the country is so upset about this, our country, we have sent \$1 billion to Georgia to help Georgia, supposedly for humanitarian aid.

But we seem to be somewhat concerned—and our rhetoric as a Nation is that one sovereign country has invaded the sovereign country of another, concerned about the borders of the Republic of Georgia.

It's interesting to me that we are concerned about the sanctity and sovereignty of other Nations and their borders, but yet back here at home we seem not to care about the sovereignty and sanctity of our own borders. We

protect the borders of other Nations throughout the world. We're concerned about the border of Georgia, but yet this country still has no policy about being concerned and enforcing border security of our own Nation.

Yes, Mr. Speaker, I'm talking about the southern border with Mexico, and I'm talking about the northern border of Canada. Yet every day we still have hundreds of people crossing into the United States illegally. It's an invasion into our country. Without permission people are coming into this country, and they're here for all purposes. Sure we hear about those who are over here trying to look for jobs, that supposedly Americans won't take.

But there are also other people coming over here. We get the good, the bad and the ugly because we don't secure our borders, and right now we're getting a lot of bad and ugly. Mr. Speaker, if you don't believe me, I will take you down to the Texas-Mexico border and show you how the violence has gotten worse and worse because this Nation refuses to protect its own border from people coming in without permission. That's very unfortunate.

We are in a Presidential campaign. We hear a lot of talk about all kinds of issues, but yet I have not heard from either Presidential candidate about a plan to secure our borders. They're talking about everything else. I'd be glad to take either one or both of them down to the Texas-Mexico border and show them what it's like, the porous border, because we don't protect the sovereignty of our own Nation.

But yet we're concerned about the Republic of Georgia halfway around the world and their border. Doesn't make much sense to me. We should be just as concerned about our own borders as we are about borders of other people and give the money to our own people on our own border to secure it.

We send \$1 billion quickly to the Republic of Georgia. What could our border patrol agents do with \$1 billion on the Texas-Mexico border? They could do a whole lot more. And they're not getting it. They're not getting the support that they need. They're doing the best job they can. The sheriffs all along the border, from San Diego all the way to Brownsville, they're doing the best they can.

But let me tell you something, Mr. Speaker, the drug cartels have more money, they outgun our border security officials, and they're more tenacious and they're doing everything they can to come into the United States illegally. Yes, we're getting all of them, we're getting everybody because we refuse to secure our border.

And we don't need to do a whole lot except enforce the laws we already have. It's already illegal to come into the United States without permission. Why don't we enforce that law? We are trying to enforce the border security of Georgia. Let's enforce the border security of our own Nation. That's the public duty our government has.

We can work out the issues of what to do with people that are here illegally down the road. America will do the right thing, but we can never deal with that issue until we secure the border.

One of the things we ought to do is enforce the rule of law, and if businesses choose to hire folks that are illegally in the country and they know they're illegal, those business owners need to be prosecuted under current law. We see a few of those CEOs be carted off to jail in handcuffs, maybe they'll quit hiring folks that are illegally in the country. That's just one answer, but it's already the law.

So I encourage our government: enforce the law, protect our borders, secure our Nation first. That is the duty, obligation, and moral duty of our government.

And that's just the way it is.

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 addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

UNJUST PROSECUTION OF FORMER U.S. BORDER PATROL AGENTS RAMOS AND COMPEAN

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, yesterday, I met with Monica Ramos, the wife of imprisoned U.S. border patrol agent Ignacio Ramos. I also met with her father, Mr. Joe Loya.

As the Members of this House are aware, in February of 2006, Agents Ramos and Compean were convicted of shooting and wounding a Mexican drug smuggler who brought \$1 million worth of marijuana across our border into Texas. The two agents were sentenced to 11 and 12 years in prison respectively. They have been in Federal prison, in solitary confinement, for 595 days.

Mr. Speaker, I continue to be distressed by the actions of U.S. Attorney Johnny Sutton and the prosecutors in this case.

Like thousands of Americans across the country, I was extremely disappointed by the ruling announced on July 28, 2008, by the Fifth Circuit Court of Appeals. The Court affirmed all convictions except those for tampering with an official proceeding, but this case is not closed.

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A conviction secured on the testimony of a known drug smuggler should not stand. The same drug smuggler who told the Ramos and Compean jury that he did not carry a gun the day of the shooting also told the jury he was just a one-time offender who needed

money for his sick mother. Since the agents' conviction, however, the Mexican drug smuggler was convicted for additional smuggling offenses. His testimony against the agents has been proven completely unreliable.

Those of us who have urged a pardon for Ramos and Compean will continue to support them in their future legal appeals, and we will work tirelessly to ensure that the miscarriage of justice is corrected. The details of this case deserve an unbiased review by the U.S. Department of Justice. I have also asked JOHN CONYERS, chairman of the House Judiciary Committee, to hold hearings to examine the prosecution of these agents who were doing their job to protect our border.

Questions surrounding the prosecution of this case deserve to be answered. For example, why was not the jury allowed to hear crucial evidence that the smuggler was a repeated offender? And why did the prosecutor charge the agents under a statute that was intended for violent criminals carrying guns, not for law enforcement officers acting in the line of duty?

Mr. Speaker, nothing can erase the suffering these agents have undergone and the months they have spent in prison in solitary confinement away from their families, but I want the families of Ramos and Compean to know that my colleagues on both sides of the political aisle and I will continue to do all we can to see this miscarriage of justice corrected. It is my hope and prayer that one day soon these two heroes will be home with their families.

Mr. Speaker, I close by asking God to continue to bless our men and women in uniform and their families. And I ask God to please continue to bless the families of agents Ramos and Compean. And I ask God to continue to bless America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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 10, 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 13,015 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 13,015 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 10, 2008, 13,015 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.

STEM CELL RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, this summer has been a breath-taking one for stem cell researchers around the world, but not because of embryonic stem cells or cloning. Building on important work published last year showing that it is possible to reprogram an adult cell back to its primitive embryonic-like state, researchers led by Doug Melton at Harvard University have done what was thought impossible only a few short years ago. Melton and his team used mice to show that it is possible to directly reprogram support cells or exocrine cells of the pancreas into insulin-producing beta cells without ever removing any cells from the pancreas. Amazingly, it appears that one adult cell type has been directly and specifically transformed into another adult cell type. In other words, a simple injection of three critical reprogramming factors successfully produced insulin-producing beta cells and gave patients with diabetes and their families new reason to hope in the power of regenerative medicine.

Melton and his colleagues have brought us one step closer to what many have called the "holy grail" of regenerative medicine. He has shown that, in principle, it is possible to induce the body to heal itself by reprogramming one cell type into another. Imagine that; your beta cells can no longer make insulin and you are diabetic, perhaps because of immune destruction of your insulin-producing cells like in Type I diabetes, or perhaps because, like in Type II diabetes, your insulin-producing cells have just given up.

If the work Melton describes can be reproduced in human patients, diabetes patients would have to receive a simple injection, maybe two or three times, and with that, their pancreas could resume producing insulin and they would be cured of their diabetes, no longer requiring insulin injections, no longer requiring painful pinpricks.

Of course, Melton's work is a long way from the clinic. Mice are not people, and some of the details must be modified to ensure that the injection is safe and won't cause tumors. But this work represents an enormous step forward and should be pursued with all of the resources NIH can provide.

This exciting news comes on the heels of another announcement also this summer, that researchers from

Harvard and Columbia have used the reprogramming protocol to create 21 disease-specific stem cell lines that will enable researchers to intimately study diseases such as Lou Gehrig's disease, Type I diabetes, Parkinson's and muscular dystrophy. And it is important to note that this technique also does not require the creation, destruction or even the presence of human embryos. These cells may not be ready to transplant into humans in the near term, but they will be available for research today and for use in screening for drugs.

So in a few short months, the promise of regenerative medicine comes closer to reality. Just last year, scientists and cloning advocates told us that we had to do human cloning—or at least to create cloned human embryos—so that we could accomplish these two goals that were deemed essential for moving regenerative medicine forward; creating disease-specific cell lines, and regenerating stem cells that could be a perfect match for patients affected by these diseases.

Both of these goals have been accomplished with the reprogramming protocol; no cloning, no human embryo stem cells required. To say it another way, there is no medical reason to proceed with research into cloning human embryos for their stem cells because that science is obsolete, it is more cumbersome, it is more expensive. We have a better, quicker, easier way to do it.

Now, I will note that these researchers who were involved with these breath-taking breakthroughs have done the politically correct thing and have said we still have to move forward with embryo stem cell research for compelling reasons. What those compelling reasons are I do not know. And I disagree with them. It cannot be denied that research is moving forward at a breakneck speed, and the Bush policy is still fully in place.

This work also lends more support for all the adult stem cell work that we have been talking about in this body for years. For years, embryonic stem cell research advocates have claimed that only embryonic stem cells can be transformed this way. Now we have direct evidence that it is not necessary. Science is moving beyond the debate. Science is taking us in a direction of ethically responsible research.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

UNFAIR TRADE

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 rise this evening to present some of the stories from northeast Wisconsin, a region in the country known as "Paper Valley."

We have, for over 150 years in Wisconsin, been the leaders in the paper industry, not just paper manufacturing, but paper research, designing new ways and new methods of manufacturing and using paper products all throughout the world. We have led the way because we've invested our educational system, our time and energy in developing the industry. And now, across the country, all the paper industry is imperilled because of unfair, unbalanced trade deals, and a trading partner that breaks the rules, and that is Communist China.

Recently, in November, the International Trade Commission ruled that there was illegal paper coming into the United States, but there was no damage, no damages to the paper industry here in these United States. Well, shortly thereafter, New Page Corporation closed the Niagara Paper Mill in Niagara, Wisconsin, displacing hundreds of workers who had been there for generations.

More recently, several days ago, in Kimberly, Wisconsin, the Kimberly Mill—and you've heard of Kimberly Clark, you've heard of Kleenex, you've heard of other paper products and Huggies and diapers—listen, Kimberly, the only mill that they've had, has been closed and shut down, shut down because of the illegal competition from Asian governments like both South Korea and China.

The decision by the International Trade Commission was that there were no damages. Well, I beg to differ. In my office, I have a scroll signed by nearly 5,000 people from Kimberly and the surrounding villages who have been damaged. They are real people with real damages. One of the families, the Van Zeelands, are here with me in picture form. Bruce and his wife Nancy have three children, Alicia, Scott and Courtney. And here is his statement which I read on the floor this morning, "It turned our life upside down. Working at one company for 28 years and having no other skills to compete in this horrible job market. My wife is struggling to find a full-time job now. We cannot help out our three kids with college. We worry about losing our home." And he's not alone. There are hundreds of other workers and other families with real damages that the International Trade Commission may not have considered.

What about the family of Tom Sternhagen, who had worked for 29 years at the Kimberly mill? His wife Maureen, his son Ben and daughter Lexi, and here's what he has to say. "Can't pay the mortgage. Can't pay the property taxes. Our son can't go to college. We have no more health insurance. Can't make car payments. This is nothing but corporate greed with no regard for human life." That is Tom Sternhagen.

These are the views of normal, hard-working people in northeast Wisconsin who are suffering because of unfair trade deals and an administration that will not allow the rule of law to take place.

The International Trade Commission got it wrong: There are real damages throughout Paper Valley and throughout northeast Wisconsin.

Now, what's it going to take? What's it going to take to wake up America? We've been bleeding our jobs overseas when instead we should be shipping our values overseas, not our jobs. As Niagara, Wisconsin goes, so goes our Nation. And as Kimberly goes, so goes our Nation as well.

It's time for us here in the House of Representatives to work together across party lines and make certain that we design balanced trade deals such that when a ship comes over from China with \$50 million worth of goods and materials, they take back \$50 million worth of goods and materials made by our hardworking Americans.

Look, given a level playing field, we can out-compete and out-work anybody. We are the most productive people ever on Earth. We have had a successful middle class only because of our work ethic and the fact that we've had fair trade deals, free trade. The CAFTA and NAFTA style trade deals are nothing more than a free giveaway of American jobs.

It's time for America to wake up. Yes, let's wake up together, let's roll up our sleeves, let's work together in this House and in this next election. Let's elect a President who can think things all the way through, someone who is on the side of the Van Zeeland family, someone who is on our side for a change.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. ELLISON) is recognized for 5 minutes.

(Mr. ELLISON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from 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 Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas 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 Alabama (Mr. BACHUS) is recognized for 5 minutes.

(Mr. BACHUS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

(Ms. FOXX addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

(Mr. WOLF 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 Georgia (Mr. PRICE) is recognized for 5 minutes.

(Mr. PRICE of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ENERGY CRISES AFFECTING AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. LATTA) is recognized for 5 minutes.

Mr. LATTA. Mr. Speaker, I represent one of the largest, if not the largest, ag districts in the State of Ohio. Also, according to the National Manufacturers Association, I represent one of the top 10 manufacturing districts in the country. And over this August break that we had, I was across my district—north, south, east and west—having a lot of meetings with farmers and a lot of meetings with our manufacturers. And the word wasn't all that good. Farmers were telling me that on many a day they're burning between \$800 and \$1,000 a day for diesel. They're paying much higher costs for fertilizer and chemicals—and in some cases these are up 3 to 3.5 times as much as they were 2 to 3 years ago.

Manufacturers: Not only the cost of shipping being up, but also the cost of the product that they had to produce with. They took me into the warehouses at the factories and they said, you know, a year ago, if you would have been here, this entire warehouse would have been full of the product that we needed to produce what we need to make our goods with. And today, it is only a quarter full. But that's the same price that we paid last year for this year, only a quarter. And it was an oil-based product. They've

got a problem, because as that price keeps going up, they have to make tough decisions on manufacturing what they're going to do in Ohio.

You know, we were talking about it just not affecting the farmers and manufacturers out there, but it also affects everyone. For the man and woman on the street, when it comes to thinking about their retirement and their future and putting their kids through college, they have to think, well, are we going to put that in the gas tank, in the oil tank for fuel this winter and not buy that new car or that new washing machine that might be produced in the northern part of Ohio?

I was fortunate enough earlier this summer to go to ANWR with 10 other Members. And we went up there, we saw Prudhoe Bay and what was being done there, and also looking at what was right across from the line of the river of ANWR. And ANWR, if you don't know, is the size of South Carolina, about 19 million acres. We're looking at an area that was set aside in 1980 of what they call section 1002 of about 1.5 million acres of that. And when you get right down to it, all we're talking about in this whole debate, when we're talking about ANWR, is an area of about 2,000 acres. And that translates to about 3.5 square miles in size. But we've got to do it. Because what's happening right now is, when the Alaskan pipeline was at its height, it was carrying about 2.1 million barrels of oil a day.

□ 2015

Today it's carrying 700,000. We are losing about 15 percent capacity every year in that pipeline. When it gets down to 3,000 barrels a day, it will no longer be able to flow and bring that oil south. That's a real concern because right now we're importing 70 percent of the oil used in this country, 70 percent.

So what we need to do is be able to take that oil that's over in ANWR, about 10.3 billion barrels, and we can put that 1 million barrels a day into that pipeline and bring it south.

And why is that important? Well, it's important that we do things here in this country because right now we're talking about having potentially about 86 billion barrels offshore, we have about 2.1 trillion barrels of oil shale, we're looking at around 420 trillion cubic feet of natural gas that's all off-limits right now. We also have 24 percent of the world's coal reserves. We have that technology, and some of that was invented in my own district, to have clean coal technology. Because we don't have these surprises that we wake up to like we did today that the OPEC countries have decided to cut back on production by about 520,000 barrels of oil over the next 40 days. Immediately the price of crude went up. Immediately we saw that, after watching the price go up and up and up to about \$147 a barrel, it was back under \$100 a barrel just briefly. And it's time that this country take control of its

own destiny when it comes to energy, and that's why we need the all-of-the-above strategy. That's nuclear, that's clean coal technology, that's making sure that we use hydroelectric, that we are producing, that we are making sure that we have oil and natural gas because we are going to need that oil, we're going to need that natural gas for the next 20 to 25 years.

We also have to look at the alternatives because when we went to ANWR, we stopped in Colorado and saw what they were doing out there in the National Renewable Laboratory dealing with solar, wind, hydrogen, ethanol, and biodiesel, and that's interesting to me because it's all happening in my district, the Fifth Congressional District of Ohio.

Mr. Speaker, it's time for us to act.

SKYROCKETING GAS PRICES

The SPEAKER pro tempore (Mr. MURPHY of Connecticut). Under a previous order of the House, the gentleman from Florida (Mr. KELLER) is recognized for 5 minutes.

Mr. KELLER of Florida. Mr. Speaker, I rise today to discuss the problem of skyrocketing gas prices. When a single mom in Orlando, Florida, is paying \$80 to fill up her minivan, that's a crisis. The American people deserve some straight talk, and here it is: The main component of a price of gasoline at the pump is crude oil. Crude oil is a commodity governed by the law of supply and demand. Therefore, we must increase our supply and reduce our demand. To increase our supply, where is the single largest source of untapped crude oil in the United States? It's in Alaska in an area called ANWR, specifically in a section called 1002.

I recently went to Alaska and toured the entire northern slope, including the 1002 section of ANWR. I will tell you why I did. The critics of Alaska oil drilling say three things about ANWR:

They say, first, don't drill there because there's only a trivial amount of oil. Then they tell us that it would ruin the pristine wilderness. And, finally, they say don't do it because it will hurt the wildlife there, particularly the caribou and the polar bear. Let me address all three issues head-on as someone who has personally been there.

First, is there a trivial amount of oil there? There's 10.4 billion barrels of oil there, according to the United States Department of Interior. And 10.4 billion barrels of oil is enough to provide all of my home State of Florida's energy needs for 29 years; 10.4 billion barrels of oil is 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 we heard is that it's a pristine wilderness. You can't possibly drill there. Well, I went there. I went to the town of Kaktovik, the only village of ANWR, and I looked out and was a little surprised by what I saw,

and I'll tell you what I saw. It was a flat, barren tundra. It looked like the surface of the moon, not some rain forest-style wilderness. There was not a tree within 100 miles. And as I stood there with the leader of Kaktovik, Mr. Felton Rexford, the leader of the local Eskimo tribe, I said, "Where are all the trees? Where's the wilderness?"

He said, "Congressman, there is no wilderness here. There are no trees. The closest tree is over 100 miles away."

When you look at the size of ANWR, 19 million acres, the size of South Carolina, you have to realize that the drilling that we're proposing is in a limited 2,000-acre section of 1002. That means literally 99.99 percent of ANWR is off-limits and the tiny area that we would drill is a flat, frozen, barren tundra. To put that in perspective, it would be the size of a stamp on a football field.

The next issue: This would hurt the wildlife, particularly caribou and polar bear. Well, there are 800,000 caribou in Alaska, 5,000 polar bear. I saw them both on my trip. I can tell you the numbers for both are up over the last 30 years, each and every year, according to the U.S. Fish and Wildlife Service. In fact, next door to ANWR is Prudhoe Bay, which is an existing oil field that's owned by the State, and we had caribou there in the mid 1970s to the tune of 3,000. They have increased since then tenfold up to 30,000.

So if those reasons aren't valid, what are the real reasons we are not drilling in ANWR? Well, here is a quote from the head of the Sierra Club, Mr. Carl Pope, and he says, "We are better off without cheap gas." Better off without cheap gas. Tell the single mom paying \$80 to fill up her minivan that she's better off without cheap gas. Tell the airline employees who all just lost their jobs that they're better off without cheap gas. Tell the small business employees who were just laid off that their families are better off without cheap gas. Tell the public school superintendent that had to switch to a 4-day week because he can't afford the money for the buses that our children are better off without cheap gas.

Mr. Speaker, the American people are hurting. We want you to put the ordinary Americans above the radical fringe environmental groups. We want you to give us an up-or-down vote on the American Energy Act. We want you to do it this September before taking another vacation and take care of business.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. TIM MURPHY) is recognized for 5 minutes.

(Mr. TIM MURPHY of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, there are a number of points I want to talk about tonight on energy. But first I want to say that sometimes people get the feeling that we Republicans refer to alternative energy as something that's kind of window dressing because all we want to do is drill.

I have been working with alternative energy issues for over a decade here in Congress. In my district we now have the largest integrated soy diesel plant in the world that Dreyfus has put near Claypool just outside of Warsaw, Indiana. I recently gave an award that I have, a Johnny Appleseed award, who's actually a real person buried in Ft. Wayne, to a local company, Sweetwater Music, which is the greatest online music company in the United States and in the world because it looks like they are going to be certified as the first gold business building in the State of Indiana, at full green standards, first gold higher than platinum. And they're doing it and they did it in a way and the reason I wanted to highlight them is they can pay for the cost of their building with what they've saved in energy. I mean it pays for itself. A green building does not have to be a drawback.

At the same time, Merry Lea Environmental Learning Center done by Goshen College also has a platinum standard building. I believe that the wind power is a real alternative. Parker-Hannifin in New Haven, Indiana, I have an earmark set aside to help them with their project. They do coolant systems, and they believe they can get 20 to 40 percent more energy out of each wind turbine by changing the coolant standards. I have worked with solar energy in my district. Water Furnace, a company just highlighted in the New York Times in the last week, by recycling water for heating and cooling, can save an untold number of power plants in the United States if we do that. Nevertheless, representing the number one manufacturing district in the United States.

Let me just say this: We need coal, nuclear, and drilling as well as all these alternative energies. I have the largest pickup plant in the world that does the Silverado and the Sierra. You aren't going to power this if we don't have enough oil and gas. I have two huge SDI steel plants that take more energy to make the steel than cities of probably 75,000 to 100,000, possibly even double that, to 200,000, and everything in those cities to power those steel plants. Five new core facilities. Valbruna Steel. We aren't going to do this with a windmill standing up. Those are supplemental power systems.

But if we're not going to have every company moving to China, we have to have more energy in this country. The motor homes are not going to be powered by a little solar panel. And they're getting hammered right now, and 58 percent are in my district. The international trucks are not going to be

powered by alternative energy. We need basic energy.

And I want to talk specifically tonight about one. We hear about shale oil. This is what it looks like: layers of rock, and then there is a layer that has hydrocarbons that are packed in much like other oil that are in a solid piece like this. This basically is the equivalent of a gold nugget in the gold area because you can see here it is a piece of basically oil that by heating technology, this turns into high grade oil. We have 800 billion barrels of this. We pump right now in the United States 20 million. We have 800 billion in just the west Colorado, southwest Wyoming, and Utah basin. This is not the Rocky Mountains. It's not by the Grand Teton. It's not by the Rocky Mountain National Park. It's in the big basin in between the mountains because that's where you have the foliage and things that are packed together to do this.

Now, you can do it in open-pit mining like tar sands, and that's what you see a lot in the news. But the Mahogany Research Project that Shell Oil has, and you can find it on the Internet because they have now gone public for a reason I will mention in a minute, and Chevron have ways to do this in the ground so you don't have open-pit mining. They've already extracted enough in their pilot projects that we were able to use it in our planes. We don't need oil at \$120. Obviously at \$40 it isn't profitable. But in between there we have a lot of room to work to get this out of the ground.

The reason they have gone public, because they were nearing the point of a larger scale project, the House of Representatives and the Senate banned shale oil drilling. The project has stopped cold. They have laid off the engineers. Chevron and Shell have had to stop. One project has gone ahead on the open-pit mining. But the new stories in Colorado—this is a huge debate right now. Just about a month ago I went out. They have now opened it so Members of Congress can see it because they were trying to keep this technology from each other and the different companies, but basically Shell and Chevron have gone public with this technology because they were about to make it public. But we banned it, 800 billion barrels in the United States that does not have open-pit mining, that in the one experimental that they did already, they have already done the recovery of. It's intense when they do it, but down in the ground, they basically freeze the area around it, as you can see in the Mahogany Project, and get it out.

If we're going to keep industry in America, we have to come up with American energy strategies. Do everything, including shale oil.

□ 2030

THE DEFICIT

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 18, 2007, the gentlewoman from Ohio (Ms. SUTTON) is recognized for 60 minutes as the designee of the majority leader.

Ms. SUTTON. I am happy to be here today. We are here with some of the other Members of the freshman class, the class of 2006, and I have heard some folks on the other side of the aisle in recent moments talk about the fact that the American people deserve some straight talk. We could not agree more. And that is why we are here today, to talk about some of the things that aren't being talked about quite as loudly on the other side of the aisle.

Recently, earlier this week, the administration released its final mid-session review of the budget. The new budget document showed a record deficit for 2009, confirming that in 8 years this administration will have turned the largest surpluses in history into the largest deficits in history.

The dismal fiscal record is, unfortunately, just one aspect of this administration's failed economic record. But is that what the administration says to the American people?

Now I just want us to take a moment and look at some of the comments that have been coming out, not only from the administration, but from the other side of the aisle in this body.

In November of 2007, President George W. Bush, the administration, said, "Sure, there's some challenges facing us, but the underpinnings of our economy are strong, and we are a resilient economy." And then, in December of 2007, he said, "This economy is pretty good. There's definitely some storm clouds and concerns, but the underpinning is good." And that was complemented by the leader of the Republicans here in the House, who said in July of this year, July 21 of 2008, "While the economy is slow, we are still seeing growth, and frankly, I have got to tell you, I am shocked." And then he said way back in October of 2006, Minority Leader BOEHNER, said as follows, "Today's announcement by President Bush confirms that the pro-growth economic policies put in place by Republicans are working as planned to spur economic growth and reduce the deficit." That was JOHN BOEHNER, October 11, 2006, Looking forward, trying to suggest that the policies that have been pursued by this administration have benefited the American people.

Well, I am really glad that we have this opportunity to have the American people join us this evening to talk about the real facts. And they are not pleasant because it's a sad fact about some of the things that are happening out there.

You know, these two, the administration, the President, and Minority Leader BOEHNER, they are not the only people out there telling the American people that the economy is good. Not so long ago, in the not the distant past, we heard a top economic advisor to Senator McCain tell us that our prob-

lems, our economic problems, they are all in our head. In essence, he said that we are suffering from a mental recession.

You know, he called our country a Nation of whiners. Well, I have to tell you guys that as a Congresswoman from Ohio in the 13th District, that the people I represent, they are not whiners. They have, unfortunately, too many of them, felt the painful consequences of the failures of the last 8 years of this administration.

So I am grateful that you're here tonight to help us describe, and frankly, the important thing is hold accountable this administration for the failures that it is trying to disown.

The current administration, you all will know, is going to leave this Nation with the largest deficit in history. I'm sure my colleagues here with me tonight are going to talk about that. And the debt has ballooned as well. The economic growth has been, to give a complimentary spin, has been anemic, and thousands, thousands of jobs have been lost, household incomes have fallen, and the President's fiscal policies have imposed an amazingly heavy debt burden on America's families.

You know, I'd like to yield at this time to the distinguished gentleman here tonight, Representative PETER WELCH from Vermont, who has been a tremendous agent of change in this body, and I look forward to seeing what this gentleman is going to be able to do, because it's going to be a lot when we have more to work with in the next administration.

Mr. WELCH of Vermont. I thank my friend, Representative SUTTON. This evening gives us an opportunity to take account, to look at the record, and reveal it to the American people. We are in a season close to an election, where the American people are going to have to make a decision, and it's going to be an extraordinarily consequential decision. In the fog of a campaign, there's an awful lot of rhetoric back and forth, where those who have not done much try to conceal it with claims that they did, and try to shoot down the progress that has been made.

Now we all know that when we get going, and we are going to solve our problems, it's going to have to be working together. We have been doing our best to do that. But what we have to do tonight is lay out what the record has been.

What I want to talk about briefly are two areas; one is deficit, to continue what my friend, Representative SUTTON was talking about, and the other is on Iraq. The reason I want to talk about them specifically is because it is important for the American people to know what they can expect from our friends on the other side who have a clear record, and it is one that they are accountable for, but it has to be one that Americans are aware of.

On deficits, taking up on what you said, let me just read some quotes from

members of the administration to remind the American people of what was promised, and then lay out some facts about what actually was done.

“Our budget will run a deficit that will be small and short term.” George Bush, in January of 2003. “We can proceed with tax relief without fear of budget deficits even if the economy softens. Projections for the surplus in my budget are cautious and conservative.” George Bush, March 27, 2001.

“We are holding down government spending and reforming government, and the good news is the deficit is coming down.” OMB Director Jim Nussle, June 22, 2006. “I don’t like deficits, I don’t want deficits, and I won’t pretend deficits don’t matter.” OMB Director Jim Nussle, March 12, 2003.

“Today’s announcement by President Bush confirms that the pro-growth economic policies put in place by Republicans are working as planned to spur economic growth and reduce the deficit. Republicans are meeting our commitments to the American taxpayers by exercising fiscal restraint in promoting economic policies that create jobs, all efforts which have produced a strong economy that is working to drive down and eventually eliminate our deficit.” JOHN BOEHNER, October 11, 2006.

What are the facts? That is the rhetoric. What are the facts? President Bush and congressional Republicans, his allies, have turned a projected 10-year, 10-year surplus of \$5.6 trillion into a projected 10-year deficit of \$3.4 trillion. That is a swing of \$9 trillion in one Presidency. When President Bush took office, there was a projected surplus of \$710 billion for fiscal year 2009.

President Bush’s budget will create a \$407 billion deficit for fiscal year 2009. That is a swing of over \$1 trillion.

Under the Bush administration, Republicans created the five largest—one, two, three, four, five—five largest budget deficits in American history, \$378 billion, \$413 billion, \$318 billion, \$407 billion, and \$438 billion now projected.

The first 42 Presidents, the first 42 American Presidents, borrowed a total of \$1 trillion. That was during wars, by the way; World War I, World War II, the Korean conflict, Vietnam, combined. That is the total amount borrowed from foreign governments and financial institutions.

In the 7½ years of the Bush Presidency, President Bush has borrowed more than \$1.6 trillion. He borrowed more in 7½ years than 42 Presidents did in over 100 years of our history.

When President Bush took office, we had a national debt that was \$5.7 trillion. During his administration, that has nearly doubled, and will reach \$10.3 trillion by the end of fiscal year 2009.

This administration has presided over a fiscal train wreck, and it is creating obviously a deep hole that we have to climb out of, the American people have to climb out of, and it’s a record of rhetoric of rosy fiscal sce-

narios with reckless policies that have caused, in a short time, 7½ years, the greatest explosion in the debt of the United States government, which belongs to you and me and the generations that will come after us, that we are going to have to repay, and it will take generations to do.

I will yield back my time to the gentlelady from Ohio.

Ms. SUTTON. That is an amazing record; not a good one, but it’s an amazing record. It’s important that we do share this with the American people because we need to know where we stand. What we also know that this isn’t the end of the story. We know it doesn’t have to be this way. We can make a change. We must make a change.

I know that our next speaker, and we have been joined by Dr. STEVEN KAGEN, the Congressman from Wisconsin. I’d like to throw it over to you. I know you have got some valuable insight to add.

Mr. KAGEN. Thank you very much for yielding. I must say that Mr. WELCH has explained it quite clearly. If I could put it in just different words that I understand. Back home in Wisconsin, we speak a little different that you all do in Vermont.

We would say it this way. President Bush has done all by himself, all by himself, what the Germans and Japanese could not do in World War II. He has destroyed this country and everything, everything that he said he was, he is not. He is the opposite. He is not conservative, he wasn’t compassionate. You cannot call it compassionate when the President and the Washington, DC, Republicans produce collateral damage like the family picture I show you here.

Now this could be Kimberly, Wisconsin, it could be West Palm Beach, Florida, it could be Denver, Colorado, it could be anywhere in Ohio, where a family has been dispossessed of their job and their hopes and their dreams. This is a hardworking family. This is the Wendel family. Don and his wife Ann. He worked at a paper mill for 30 years. And because of our trade deals that remain unenforced, unbalanced, and unfair, the Chinese paper that came into our domestic marketplace cut off the business opportunity for the Kimberly mill. I am talking about Kimberly-Clark, where it came from, in Kimberly, Wisconsin.

He lost his job. He lost his hope and his future. And he has to ask this essential question, as do every single voter this fall, every American right now has to ask themselves this question: Whose side are we on?

We are on the side of the Wendel family, whose been dispossessed. This is a picture of the middle class. And this is what I would call collateral damage. We are in an economic battle, an economic war. We have to get our act together, not just here in the House, but in the Senate and in the White House. We have to work together and have

judgment, good judgment lead the way. It was poor judgment, after all, that took us into war, based on lies and deceptions, and it was poor economic decisions by this administration that led to the policy of borrow and spend and borrow and spend. I don’t have to remind any of my colleagues what the first two letters are of borrow and spend.

We have got to this point in time. It may be dark. The lights aren’t out yet. We have some ideas, we have got the energy, and we are on your side. We are here to help lead us to a brighter future.

I yield back my time.

Ms. SUTTON. I thank the gentleman for his very poignant remarks. There’s a question that has to be answered also, and that question is: How many more families? How many more families have to fall out of the middle class, lose their jobs, their hopes, their dreams before we change direction. But the good news is the opportunity for change is on the horizon.

At this point, I’d like to shift it over to my good friend from Florida, a very distinguished Member of this body, a new Member who came in charging, has already started to deliver change, and I know is raring to deliver more in the next administration, Congressman RON KLEIN.

Mr. KLEIN of Florida. I’d like to thank the gentlewoman from Ohio and all my colleague here tonight. I’m going to carry this conversation a little further about fiscal discipline because all of us elected last year, Democrats and, interestingly enough, Republicans, have supported fiscal discipline, but got way off track over the last 10 years. It’s now the Democrats, many of us, who are sort of leading the fight. We are the fiscal hawks. We are the ones saying this is totally unacceptable for all the reasons you heard tonight.

I think the gentleman from Vermont already mentioned this, but it’s worth restating. The Bush administration is responsible for the five biggest deficits, and that total is a staggering amount. But I want to just take that one step further because this is the kind of change that we are going to deliver.

Given the opportunities over the next couple of years, hopefully in a bipartisan way, that is the way we get things done here, but looking at this figure here, this is a chart that says: Taxpayer spending on Iraq war versus Federal spending on other priorities. This is for last year, fiscal year. It has the cost of the Iraq war, \$150 billion.

□ 2045

The cost of NIH funding, that is all the research that government does, all the research on cancer and heart disease and Alzheimer’s, all the things that afflict our families and our communities, it is a substantial amount of money. But that figure, plus all the college tuition assistance, everything we do to try to make sure that kids get

into school and get a college education, which we know is so important in the world economy, plus the cost of all the children's health care we provide in the United States, and all the cost of all the bridge repairs and road building and all the things that go on in every single one of our communities, sewers, roads, bridges, all those kinds of things, if you take the cost of roads and bridges, the cost of research, the cost of all the college tuition and the cost of all the health care, that total sum is less than what we spent on the Iraq war.

Now, we debated at length whether the Iraq war is a good war or not or has accomplished a lot. I personally believe, and I serve on the Foreign Affairs Committee, that, unfortunately, the real threat against our national security is in Afghanistan. And it still boggles my mind and most Americans that Osama bin Laden, who committed the worst crime against Americans in our history in the United States, is still free somewhere in the world perpetrating additional threats against the United States through al Qaeda.

The problem, of course, is that he and others most likely are in Afghanistan and Pakistan, the mountain areas there. Unfortunately, we took our eye off the ball. But let's put that issue aside. Hopefully we will be able to deal with that in the near future with the next President.

Let's just talk about, we have spent \$650 billion. I want everybody to remember this number, that is \$339 million we are spending each day on the war in Iraq, \$339 million per day. Let's think about what we could do with that money. I mean, we could have a debate at length here, and I am sure everybody listening tonight on the floor and throughout our country would have lots of good ideas that are legitimate priorities for our country. Yet we are spending that amount of money.

Now, is there an answer that the Democrats have put forward? You bet there is. What was this war sold to us on in terms of how it was going to be paid for? Oil revenues. Iraq sits on the third largest oil revenues and reserves of oil in the world; \$80 billion, it is reported, in banks, some of which is in New York. Eighty billion dollars. That money was supposed to pay for the cost of reconstruction of Iraq, the cost of our military fuel and the cost also of the retraining of the military in Iraq, our military training their military. All legitimate things. Yet what has happened? President Bush has refused, the Republicans have refused to do that.

Now, I introduced a bill, H.R. 1111. H.R. 1111. I said it is number one, put Americans first. I think most Americans would agree with that. Let's take the money that Iraq has, it is \$80 billion, and let them pay for the cost of their reconstruction, the cost of our men and women training their military, and our fuel costs. That is com-

mon sense. That is what we were told in the beginning. They have got the money.

Let's get on with it. That is how we can start putting Americans first and all the priorities that are so important to fixing our economy, getting jobs created, getting an educational system, getting health care put back together, Social Security, Medicare, all the priorities that make America strong on the inside first.

So I think that is a very important point, and we finally got a little bit of discussion on this. But the reality is this is the kind of leadership we are offering and we are providing.

Mr. PERLMUTTER. If the gentleman would yield, I thank my friend from Florida for yielding, because as to the very point you just raised, until March 27, 2003, former Deputy Defense Secretary Paul Wolfowitz said this. You were talking about Iraq paying for its own reconstruction and the costs attendant to this war, which is running us anywhere between \$2.5 and \$3 billion a week, which we could use in any myriad of ways.

He said back on that date, "There is a lot of money to pay for this that doesn't have to be U.S. taxpayer money, and it starts with the assets of the Iraqi people. We are dealing with a country that can really finance its own reconstruction, and relatively soon." And Don Rumsfeld said that "relatively soon" could be 6 days, 6 weeks, he doubted 6 months.

Well, we have been there now more than 5 years, longer than it took for us to win World War II. And what we have, and I would like to point out the chart that is next to me, is we have a problem that has been created by the Bush administration, and Senator MCCAIN would like to perpetuate.

So we have the Bush-McCain policies, the Bush-McCain policies being let's stay in Iraq. They don't have to pay for anything. Senator MCCAIN said it might have to be 100 years. And at the same time, cutting our revenues to this government, so we run up the highest deficits on record. Under Ronald Reagan, under the first George Bush, we had big deficits, a surplus under Bill Clinton and the fiscal policies of the Democrats, and then a gigantic deficit under George Bush II.

What we need, ladies and gentlemen, what I say to my friends, both the Democrats and to the Republicans, is we have to have a change. We cannot have these same old, tired policies. If we have the same old, tired policies with respect to our foreign affairs, such as we are not going to charge the Iraqis for their reconstruction or we are never going to let them take their own destiny into their hands, we are going to have these same old costs and same old losses of life to Americans who have been in Iraq now for more than 5 years.

If we have the same old economic policies, which is what Senator MCCAIN would like to have, it is just more

Bush-McCain policies. We are going to run the deficit to levels we have never seen before, which then have resulted in foreclosures and a whole variety of things, foreclosures, job losses, et cetera.

We have to have a change. That change will come in this election on November 4th. We started this change in 2006 with the election of a Democratic Congress. We have been able to provide minimum wage increases to people. We have changed, for instance, the cost of student loans, so that more people can take advantage of our higher education system. Democrats took on the pharmaceuticals, so that more people can have lower priced pharmaceuticals. We have increased veterans benefits more in the last year than at any other time in the 70-plus year history of the Veterans Administration. This has happened under Democrats.

It is not the same old, failed policies that the Bush administration has had for the last 8 years or that the McCain campaign wants to perpetuate. We need a change, and that change will come with the election of a new President, and that President is going to be Senator BARACK OBAMA, and it is going to continue by the Democrats maintaining a majority in this House. We cannot have more of the same.

There is real opportunity out there for this country. And we heard a little bit today from the Republicans about drill here, drill now. They want to go with the same old, tired energy policy, which just is only oil and gas and just drilling here and drilling now. I don't know exactly what they mean by drill here and drill now.

We had a very interesting story about an ethics scandal within the Interior Department, where some members of the Bush administration's Interior Department, who are supposed to be the watchdogs over the oil and gas companies who are supposed to pay royalties to this country for all of the minerals that they extract from the country. It said, "Investigators from the Interior Department's Inspector General's Office," this is in the Washington Post today, it said, "More than a dozen employees, including the former director of the Oil Royalty Program, accepted gifts, including ski trips, sports tickets and golf outings." The report alleges that the former director netted more than \$30,000.

There was also the fact, they said, "the government officials accepted lavish gifts, steered contracts to favored firms, and engaged in illicit sex with employees of the oil companies, Federal investigators reported today."

So that is the same old thing. We are so hooked on just one commodity, which is oil, which obviously is going to be part of our energy package no matter what. We are going to drill. We are drilling. We are trying to extract this. But we have to have a comprehensive energy plan, which is what the Democrats are proposing and we will propose within the next couple of

weeks, which includes renewable energy, it includes coal, it includes energy efficiency.

Those are the kinds of things that will provide thousands and thousands and thousands of jobs in Colorado and in the manufacturing areas of Ohio. That is the kind of forward looking, innovative approach that we have to take. That is what BARACK OBAMA is going to do. We are not going to have the same old, tired policies exemplified by the Bush administration that JOHN MCCAIN wants to keep going.

Mr. MURPHY of Connecticut. If the gentleman would yield?

Mr. PERLMUTTER. The gentleman would certainly yield to my friend from Connecticut.

Mr. MURPHY of Connecticut. Thank you very much, my friend from Colorado. I am glad you brought up this issue that has come up today. Really you couldn't write this. You couldn't make a movie that was more salacious than the details that are being unveiled today in an article you referenced from the Washington Post regarding not only, it appears, monetary favors, gifts, meals, trips, but sex and drugs. This is a Hollywood blockbuster that is being unveiled here, and it is all on our dime.

What you are saying here is certainly relevant to the question of how we are running our energy policy in this country, that we have an administration that is so cozy to the energy industry that it is not just leases that are being negotiated, but apparently it is drugs and sexual favors being negotiated.

But what we are dealing with really here, Mr. PERLMUTTER, is a government run amuck. This is, I think, symptomatic of a much larger problem. We are talking here about the economic disaster that this administration has wrought, and you can calculate that in so many different ways: wages flat while GDP goes up; deficits running into the trillions of dollars.

But what we also have seen is an administration that just can't run government any longer. They are wasting our taxpayer dollars. Now, they also happen to be wasting all of the money that they are borrowing from foreign banks, but we are wasting a lot of our money too.

It is incredibly relevant that we are here trying to expose the economic disaster that the Bush administration has left us with that we are going to change with the new administration. It is relevant that we are also talking about this new revelation.

You have mentioned some of the details, but what we found in the Interior Department is what investigators call a "culture of substance abuse and promiscuity." Nineteen oil marketers and other employers in the office are accused of having personal and sometimes sexual relationships with representatives of a group of favorite oil and gas companies from 2002 to 2006. Mr. Speaker, this is from the Washington Post story today.

This is what this government has left us with, an economy that is suffering, deficits that are rising, and a government that just doesn't work any longer, whether it is the misuse of our funds in Iraq. We discovered in the Government Oversight Committee that Mr. WELCH and I serve on that \$9 billion was wasted, unaccounted for at the beginning of the war, sometimes thrown out of pickup trucks in duffel bags and never, ever seen again. Or whether it is our response to Katrina and Rita, in which we left thousands, tens of thousands of residents helpless and hopeless. And now today we find that we have unbelievably inappropriate relationships between the government and the oil and gas companies seeking to lease our lands.

This is an economy that is in trouble because of the policies of this administration. This is a government which has simply fallen apart at the seams because of mismanagement. And it all speaks to the change we so desperately need. No more of the same.

JOHN MCCAIN's campaign, as we know, is run by the same crowd of lobbyists who have run the Bush administration for the last 8 years. We need a real change. This Congress with Democrats in charge has started it, but it comes to a completion this November. All of it stops, the mismanagement of this war, the disastrous response to natural disasters and these new revelations about the corruption still endemic in our government.

Ms. SUTTON, it can all change this November.

Ms. SUTTON. I thank the gentleman for his remarks and for his forward looking hopefulness. And I think that you are exactly right. Both of the gentlemen have done a great job in laying out sort of where we are, where we have been and where we can go.

To that end, we do want the American people to take heart. We look at this chart, and this is an important chart to me because it talks about obviously the job growth that occurred under President Bill Clinton, and it also talks about the disastrous job losses that, unfortunately, we have suffered through this administration.

As the gentleman from Connecticut pointed out, we need a government that works. We need a government that works in economic policy and foreign policy and energy policy. We need a government that understands and is responsive to the cries of the people.

□ 2100

We have people who are suffering. We have working families who no longer can put food on the table. We're filling up the food pantry lines. We're having to put more money into our food banks because we need to feed more hungry people. The good news is we're feeding more hungry people. The bad news is there are more hungry people and people in poverty in this country. The good news, though, about this chart is that it can change. It can change. We

saw the job growth explode under the former administration, the Clinton administration. So there is hope for the future.

Part of that, though, is going to revolve around getting a President who understands that the economic policies that we've been operating under need to change. The gentleman from Colorado put it very well when he said we need to get away from the same old, tired policies, the same old, tired path. We have trade policies that are shipping jobs overseas.

We heard the gentleman from Wisconsin talking about the beautiful family that is now in dire straits because of the paper company that has closed, the paper mill. Well, do you know what? The paper mills are starting to close, and they're closing in the wake of the steel mills that have closed, and the steel mills have closed because there were unfair tactics being used by the Chinese, for the most part, in dumping steel into this country, and we couldn't compete because you can't always compete with people who are willing to cheat. It wasn't through any fault of our own or through that of the workers who worked so hard and productively in this country, but it worked so well for those who benefited from it in foreign countries with steel that now they do it with paper. It probably won't end with paper, so we need somebody who understands the need to reform, to make the government work, to make sure that when we have trade policies that they don't work against us. They can work with us and with our workers and with our country and with our industries and with our businesses here.

The good news is there is hope, but it is important that people know where we begin because change is so necessary. The same old, tired policies, they won't take us where we want to go. They'll take us further down the path where we find ourselves today.

Mr. WELCH, do you have anything to add at this point?

Mr. WELCH of Vermont. Well, I do have something to add. I just want to go back to the question of Foreign Affairs and the war in Iraq, and I want to do what I did the last time when I was talking about the debt, which is to lay out some of the explicit statements and promises that the administration made about this war and then lay out what the specific results have been. It's important. It's vitally important that the people of this country compare promises to results. This war, in my view, has been a catastrophe, but here is what top officials in the Bush administration said:

"It is unknowable how long that conflict [the war in Iraq] will last. It could last 6 days, 6 weeks, I doubt 6 months," Donald Rumsfeld, February 2003, a month before the war.

"There's a lot of money to pay for this that doesn't have to be U.S. taxpayer money, and it starts with the assets of the Iraqi people. We're dealing

with a country that can really finance its own reconstruction and relatively soon," Paul Wolfowitz, former Deputy Defense Secretary, March of 2003.

Of course, our friend from Florida has outlined the truth that the Iraqi money is in U.S. banks. Treasury money is going over to Iraq to finance things.

"My belief is we will, in fact, be greeted as liberators," Vice President DICK CHENEY. How bright he was, yes. March 16, 2003.

"It's hard to conceive that it would take more forces to provide stability in post-Saddam Iraq than it would to take to conduct the war, itself, and to secure the surrender of Saddam's security forces and his army. Hard to imagine," Deputy Defense Secretary Paul Wolfowitz.

"I don't know where bin Laden is. I have no idea and really don't care. It's not that important. It's not our priority," President George Bush, Commander in Chief, March 2002.

"If we're an arrogant Nation, they'll resent us. If we're a humble Nation but strong, they'll welcome us [in Iraq]," George Bush.

We know the facts. The war in Iraq has now lasted longer than the U.S. involvement in World War II. Four thousand one hundred fifty-five Americans have been killed in Iraq, and more than 30,000 troops have been wounded as of September 7 of this year. No weapons of mass destruction were ever found. That was the whole pretext that George Bush used to justify this war.

More than \$600 billion has been spent, none of it on the books incidentally, all on the credit card. Some projections estimate that the war, when all of the expenses are paid, including what we have to pay to provide health care to our seriously injured soldiers, will exceed \$3 trillion.

The Iraqi Government has now forced the Bush administration to accept something that many of us have been arguing for four years, a timetable. It took the President of Iraq to force the President of the United States to get real and to understand that what we can expect of the American taxpayer and what we can expect of the American soldier has its limits and that it's time to start asking the Iraqis to step up and to take on the burden of their own future.

America's military is stretched thin. There is just no dispute about this. It weakens our ability to respond to other threats. The chairman of the Joint Chiefs of Staff, Michael Mullen, has stressed that the need for more troops in Afghanistan is great, but due to the war in Iraq, they're not available. The Bush administration has grossly neglected Afghanistan and has failed to acknowledge that that is a major threat.

These are promises, the cavalier disregard for the hidden consequences, the consequences beyond your control when you embark on a war, on a thoughtless war, and disregard the

need to build up alliances like George Bush's father did in the first Gulf war, and you cavalierly go off with promises, reckless promises, irresponsible promises by people in positions of great trust. The greatest trust that they have is that they have a duty to use due deliberation in the protection of the lives of the American people and of the American soldiers. They have to use due deliberation, careful thought, responsible analysis in committing American power abroad and in committing the lives of our soldiers abroad. They cavalierly made predictions. Vice President CHENEY will go down in history as just having been totally out of touch.

Mr. PERLMUTTER. Would the gentleman from Vermont just yield for 30 seconds?

Mr. WELCH of Vermont. I will yield, yes.

Mr. PERLMUTTER. In your litany of things where they made promises, made promises, made promises, none of them turned out to be accurate or true.

One of them that just still boggles my mind is, just a few weeks after the invasion into Iraq, George Bush was on that aircraft carrier, saying, "Mission accomplished." JOHN MCCAIN was saying, "Mission accomplished." All of these guys were saying, "Mission accomplished." We are now 5-years plus since that time.

Now, our men and our women have been doing an unbelievable job. Initially, their equipment was not proper. Their vehicles weren't built in a way that was safe. We've changed that. We've helped them because they've done a job that has been above and beyond the call of duty, but it's the Commander in Chief and the judgment of the Commander in Chief who is in place today that we have to question, his judgment and the judgment of whom we want to be Commander in Chief.

Who has the right judgment? Who can really take our reputation from what's now down in the gutter internationally and raise it back up? Who has the judgment to get this country working again? Who has the judgment and the energy and the ability to renew the strength of this country, to call on all of us to make the sacrifices and to meet the challenges that we've got ahead of us that we know will lead us back to the great Nation that we are and to the great people that we are?

It's not the same old administration. It's not the same old people. It's not the Karl Roves of the world. We're going to have to finish this change because we can do much better than we've done.

So, with that, I'll yield to my friend from Wisconsin.

Mr. KAGEN. Thank you, Mr. PERLMUTTER. I couldn't agree with you more. It really begs the question about not just whose side we're on, but what are the lessons that we've been learning.

I have not been in politics. I was in student council in 1966, and now I'm in

Congress. I was a physician. Still am. I had a nice medical practice, but I got involved in this line of work because we were headed in that wrong direction we've been describing. We have taken since 2007 in January a positive change. We've been making incremental, small, little changes. It is so frustrating having come from the world of business to the world of government where changes are so slow, but it's so necessary. One would think that the President took office to prove what government could not do, and it's really incumbent upon us to prove that good government could really make a positive difference in everybody's lives.

The two lessons I've learned since getting into this world of politics is that people will believe a lie if it's presented with great skill on television. People will believe a lie if it's presented over and over with great skill. The other lie is that—well, it's not really a lie. It's a lesson. Politicians will determine who lives and who dies. It's politicians here in this Chamber. It's politicians in the White House who will determine who has access to health care and who does not, who will determine who gets a great education and who does not, who will determine whether or not we truly become an energy independent Nation or if we do not or who will determine if we ever go to war again based on lies and deceptions.

That is why I emphasize the fact that we need in the White House today people with good judgment, people who can think things all the way through, someone who will sign a bill to guarantee access to 11 million children who are in need, someone who will sign that bill, not veto that bill. I'm referring to the change, to the positive change, that we really need.

When you talk, Mr. WELCH, about the war in Iraq, does anyone question that that war was a war of choice, not of necessity? Does anyone believe that it had not something to do with oil? Has the price of oil gone down since we've occupied and have invaded Iraq? Not at all. Quite the contrary.

So what we have to do in this Chamber is to begin to find a way forward to become fiscally responsible and to stay true to our beliefs that we are also progressive-minded and that we really do care about the middle class. We need to resuscitate that middle class as soon as possible. In the next several days, that is why we are going to take up an energy independence bill, a comprehensive national strategy to become energy independent once again. That's what this Chamber has the responsibility of doing in a bipartisan way, and I look forward to doing that in the next several days.

Thank you, Mr. WELCH, for bringing up the subject of war.

Again, as Mr. PERLMUTTER pointed out, it is our soldiers, the men and women who have volunteered to serve in our Armed Services, who are paying the price for our continued and seemingly endless occupation in Iraq. Those

are the soldiers who have covered our backs in battle, and we owe it to them to cover their backs when they return.

I yield to Mr. KLEIN from Florida.

Mr. KLEIN of Florida. Thank you to the gentleman from Wisconsin.

Just to pick up on your point on our men and women serving and our veterans, I'm from Florida. Every one of us in our districts has a huge number of veterans—some from World War II, some from the Korean war, some from Vietnam. Many of our Vietnam veterans today are hurting. Whether it's Agent Orange or just age, itself, it has really begun to impact them. Now we're creating a new generation of an upwards of 2 million new veterans. We don't want to create that next generation of homeless. We know there are huge post-traumatic stress issues associated with it, but I'm particularly proud in working with our local veterans' organizations and national veterans' organizations which gave our leaders the recommendations of what they need in order to eliminate the backlog, to make sure that the care was in place for evaluations of post-traumatic stress or to recognize that, of the many men and women coming home today, back in the Vietnam war, they wouldn't have lived with their damage and with their injuries. That's right. Today, they're coming home, and we have a responsibility. I say this and people understand. Americans understand. We stand up for our men and women who put the uniform on. That's something we feel very strongly about, but we have to recognize that we will have to provide for them for the rest of their lives and that we will have to support their families as well. That new GI Bill is key. It was the right thing to do. For many of the people who don't even know this, it even allows the balance of those benefits to go to the spouse and to the children. Isn't that the right thing to do for the families?

Mr. KAGEN. Yes.

Mr. KLEIN of Florida. I mean that's the "thank you" that Americans want to give the men and women who serve us, but when we are asked to serve in our military, we need to make sure it is the right place and the right time and for our national security interests, which is, unfortunately, what went wrong.

The gentlewoman from Ohio, you have led the fight in this Congress on jobs. I'm from Ohio originally. You and I talk about that. I grew up in Cleveland. Now, as a Floridian, I know we have a different set of economic issues in Florida, but they're very similar in terms of jobs being lost overseas. I want to point this board out real fast here because it talks about jobs created through August in President Clinton's years.

There were 1.47 million jobs created under President Clinton. In President Bush's 8 years—

Mr. KAGEN. In 8 months.

Mr. KLEIN of Florida. Excuse me. In 8 months. Thank you. In these last 8

months, 605,000 jobs were lost under this administration. You'll hear in the Presidential election on the Republican side the same thing again and again and again, the same economic plan. It's an old plan. It's not getting us anywhere.

I just want to point this out because we can do better. It's one of those areas again. This Congress has already done a number of things, I think, that are very positive. We've passed the biggest increase in the Pell Grants in years. For those who aren't familiar with Pell Grants, it's those scholarships for great students to get into college. The kids in our communities want to get those great college educations. There are Pell Grants and other types of financial incentives for kids to get into schools.

We recognize foreclosures are a big problem in many of our communities. My district in Fort Lauderdale has a huge number of foreclosures. It's not just the individual person who is foreclosed on; it's the neighbors who are impacted, and it's the depression on the value of homes, and it's the communities that are impacted and all of the things that go with it.

□ 2115

And we passed something that the Congresses in the past should have done in the last few years to prevent this from ever happening in the first place. We actually did some things now to help get people back on their feet and fix that.

But look what happened last week again. Fannie Mae and Freddie Mac, another multi billion dollar bailout. And why are they doing this? Well, they have to do it is what we're told.

But the bottom line is again, a legacy of very, very bad economic planning, very bad policies that this administration and previous Congresses were not able to do anything or had no will to do anything about.

The bottom line is, though, we are a resilient people as Americans. We have a resilient economy, and we will get beyond there.

So I'm all for the education part; I'm all for the job training part, our community colleges, our universities, our scholarships, the job training, the skill sets to get everybody back to work and the recognition that if we are going to do some economic stimulus thing, let's get our infrastructure, let's go out there in the community.

Mr. KAGEN. Would the gentleman yield? Thank you for yielding.

On that front, the single greatest fiscal economic challenge we are going to be facing is a health care crisis. It is the number one fiscal challenge for our budget in the Federal Government. It's also the major challenge of every business, be it small or large business. It also challenges city governments, whether it's a town or a county government and every family across America.

And that is why I believe we have to begin to have a discussion about mak-

ing a marriage between our Constitution and health care.

Now, if you read the Constitution, as I have, it doesn't say anywhere in here that we have a constitutional right to health care. But we do have a right that protects us against discrimination. We have to apply that right that guarantees us protection from discrimination to health care, to the health care industry, so that all insurance companies will lose their opportunity to discriminate against you on the basis of a pre-existing condition. If we don't stand up for our rights, we're going to lose them, every single one of them, every single one of them.

So I look forward in this session and the next, working with a President who understands that discrimination is taking place today in the health care industry. We must end discrimination and put it where it belongs, into our past.

Mr. PERLMUTTER.

Mr. PERLMUTTER. I thank my friend from Wisconsin. I'm going to take a step back from the health care, talk about the GSEs, the Government Sponsored Entities, the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, which were, in effect, taken over, placed into conservatorship.

And sometimes I charge my friends on the Republican side of the aisle with not doing what needed to be done. But in this instance they did, back in 2005, pass legislation that would have prevented, or at least somehow dealt with these GSE problems, this takeover that we had to have in the last few days.

And it was Mr. Oxley who was the chairman of the committee at the time. There was a piece of legislation passed. He was an Ohio Republican who headed the House Financial Services, this is from the Financial Times of yesterday, until his retirement at the mid term elections last year. Blames the mess, meaning the takeover of Fannie Mae and Freddie Mac, on ideologues within the White House, as well as Alan Greenspan, former chairman of the Federal Reserve. He says, he fumes about the criticism of his House colleagues. All the hand wringing and bed wetting is going on without remembering how the House stepped up on this. He continues, "What did we get from the White House? We got a one-finger salute."

He finishes, "We missed a golden opportunity, we, being the United States of America missed a golden opportunity that would have avoided a lot of problems we're facing now if we hadn't had such a firm ideological position at the White House and the Treasury and the FED."

We now have had to take over these entities that have supplied money to help us all buy houses for decades and decades and decades, and it's as a result of a White House that didn't believe in any kind of regulation. We talked about it just a few minutes ago, with these guys over at the Minerals

Management Service and the frat house that they ran where they were getting gifts and they were getting sexual favors and all of that kind of stuff.

This administration could have cared less about regulation, and this country has been damaged because of it. We can't have these same old policies anymore, ladies and gentlemen. We can't afford it. This country can't afford it. We're too great a Nation. We're too great a people. Our neighbors, our friends, our families sacrifice too much to have this kind of approach by people, whether it's not regulating big government entities or sleeping with the people you're supposed to regulate. We can't have that anymore. We can't have more of the same.

We need a change. We need a new direction. That new direction is going to be BARACK OBAMA, it's going to be the Democrats. We've got to finish the change that was begun in 2006 with the election of a new White House with new policies that are going to renew this Nation. And we can do that. And I know that, by all of us working together, there really is hope for this Nation, and we're going to take the action that brings about jobs and health care and, really, a return to what we know is great about this Nation.

Mr. KAGEN. Together we will.

Mr. PERLMUTTER. And so I'd like to turn it back to the President of our class, the Honorable BETTY SUTTON from Ohio.

Ms. SUTTON. I thank the gentleman from Colorado, and you put it so well. You put it so well. Our country deserves better, and we need to deliver better with a new president. And BARACK OBAMA has the potential to make that happen, and we are ready, and we want to work in a bipartisan way to help him get us where we need to go, where we know we can go on all of these issues with the economy, with health care.

Health care has been a tragedy. The President, the Bush administration started out, the President saying America's children must also have a healthy start in life. And a new term will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for government health insurance programs. He said that in September of 2004.

But nearly 1 in 9 children does not have health insurance. And the President vetoed the expansion of SCHIP that he called for in 2004. And House Republicans voted to sustain that veto, leaving millions of children without health insurance.

We also know that health premiums have increased 78 percent since the administration took office. And the number of Americans covered by private employer-provided insurance has decreased 7 years in a row. It is a competitiveness issue as well for our businesses. Our employers cannot bear this burden and compete effectively. This is a national emergency.

But again, the good news is that if we deviate away from the path that has

been trod by this administration, the Bush and McCain policies of the past, we can do right by our Nation's children for health care. We can do right by the people out there who are fighting for jobs, who are fighting for access to that which they need for their families, who are just fighting to keep a roof over their heads. And these people are doing things right. They're doing everything right. And yet, this is a country, when you do things right, you ought to be able to make it. And we can do that again. And we can, working with BARACK OBAMA in the White House, it will make all the difference in the world.

Mr. KLEIN, would you like to share with us your thoughts and perhaps wrap up here a little bit?

Mr. KLEIN of Florida. Well, I think it's really been an honor and privilege to be with my colleagues tonight. It's been an honor and privilege to serve as the freshman class, as Democrats and serving with our Republican colleagues as well. This is a great institution. Our country is a great country.

We've pointed out, as you said from the very beginning, where we're starting from. That's the reality. I mean, as decisionmakers, if you're in business or you run your household, you always have to know where you start from in order to make good decisions going forward.

And unfortunately, our next President and this next Congress and our country is going to be saddled for a little while with debt. And that's something we can start to dig our way out. And one thing that we did in this Congress, Democrats leading the charge here on our fiscal conservative policies is PAYGO. And that's a principle that everybody operates. You may not know what that means. PAYGO, pay as you go. It's the most simple principle. If you have a checkbook, you can't spend more money than what's in your checkbook. Or if you have a credit card, you can't spend more money than you can afford to pay back every month.

Well, why should Congress, in the last 6 years under the administration, operate under this principle of because we can print money, they just keep printing?

Well, fortunately last year a new principle is involved here. And now, when we pass a bill, unless it's an emergency, we have to make sure the money is in the budget. No, based on speculation that in the next number of months we're going to have all this new revenue in here. Things have slowed down a little bit, so we have to be realistic. That's exactly what the American people expect, and that's the kind of leadership we're delivering.

So I am pretty excited about the fiscal policies under this Congress, and we're beginning to get them where they should be. A new president with new policies, not tied to the old policies as we've been talking tonight will deliver on that on our health care, on

Social Security, on Medicare, veterans' benefits will continue to be the highest priority and understanding that comes first.

Getting our foreign policy, which I serve on the committee, and many of you do, getting that re-established in a way that we earn the respect and work well with our partners around the world to really make sure that our national security is protected. And most importantly, get our economy, our American families in Ohio, in West Virginia and Wisconsin and Florida, in Seattle, everywhere, all over the country, that we will get them back in shape and give those Americans the opportunities that they've always had. And every generation, that principle of every generation having it a little better than the last generation. It's what my parents fought for. It's what my grandparents fought for and it's what we fight for our children.

So I thank our President, Madam BETTY SUTTON from Ohio, PETER WELCH from Vermont, Mr. PERLMUTTER from the great State of Colorado, Dr. KAGEN from Wisconsin, Mr. MURPHY from Connecticut. It's just a small representation of a great group of people that really are working very hard to do the right thing by Americans and get our country back on track.

Thank you very much, Madam Speaker.

Ms. SUTTON. I think that was a great wrap up. I'd like to just, if I could, point it back over to Representative KAGEN from Wisconsin, because I think, again, what we're talking about here are the faces in that picture and the opportunity and the potential that we know that this country is full of and we have to help unleash so it works for the people in that photograph and people all across this country, and certainly the people in Ohio's 13 District.

Dr. KAGEN.

Mr. KAGEN. You're looking at the face of America, from the middle part of the country in Northeast Wisconsin, and they may have lost their job, but they will not give up their hope.

We're all working hard here to bring about the changes, we need like knocking down the price for energy and gas and heating fuel, like bringing on the higher-wage jobs that we need just to put a roof over our head and guarantee that our children have an opportunity to get the great education that they require.

And most importantly to me, as a physician and a legislator, we're going to provide access to affordable care for every citizen everywhere in these United States. The face of America, keep hope high. We're here to help you.

Ms. SUTTON. I yield back.

THE TRUTH SQUAD

The SPEAKER pro tempore (Mr. MCNERNEY). Under the Speaker's announced policy of January 18, 2007, the gentlewoman from North Carolina (Ms.

Foxx) is recognized for 60 minutes as the designee of the minority leader.

Ms. FOXX. Mr. Speaker, there's so much that needs to be said tonight and 1 hour's just not enough time to do it. I think I want to recommend that people read, again, if you haven't read, the book, 1984, because what you've seen exhibited here tonight is a living example of that book, where people distort the facts, they distort the past, and certainly distort the facts.

I do have to say a couple of things. We're here tonight to talk about energy and the failed energy policies of the Democratically controlled Congress. The Democrats are in control of the Congress, and they have been since January 2007. And I think it's very, very important that we continue to remind the American people of that.

For one thing, my colleagues talked about the 605,000 jobs lost in the last 8 months. Well, I'm here to say that's because the Democrats are in charge of Congress. They want to blame it on the President. The President can't make anything happen about those jobs that are lost. Congress can. And the American people have to hold the Democrats in charge of the Congress accountable.

□ 2130

I do want to get on to energy, but I have to make, again, a couple of comments about what was said here tonight.

We had a "Truth Squad" that used to meet on a regular basis here to correct the misstatements made by our colleagues almost every night, not every night. But I want to bring this Truth Squad back in the form of just me tonight by talking about some of the things, again, that they have said.

I really was a little surprised that they focused so much on the war. I think it's really emblematic, again, of their running away from the issue that's most important to the American people, and that is the high price of gasoline and the high price of fuel oil. And they made lots of promises tonight, just like the Democrats did in 2006 when they were running for election and asked the American people to give them the majority. Well, the American people did give them the majority, and every promise they made has been broken. They promised to bring down the price of gasoline. They promised to make this the most open Congress ever, the most bipartisan Congress. Every one of those promises was broken.

What we need to be focusing on, and what Republicans have been focusing on for the 20 months that the Democrats have been in control of the Congress, has been the high price of energy and how that price has been going steadily up. And again, I was a little bit amazed tonight that the focus of the group just before me was on the war and on the economy and blaming all of that on somebody else.

They talked about how jobs had increased under the Clinton administra-

tion. Let me remind the American people that President Clinton had a Democratic Congress for the first 2 years of his administration, and those 2 years were not good for this economy. In fact, they were pretty rotten, 1992 and 1993. The Republicans took control of the House in 1994, in the fall of 1994, and came into office in 1995. Certainly we had a good economy under President Clinton, but it was because the Republicans were in charge of the Congress.

The Democrats conveniently leave that little fact out. They give all the credit to President Clinton. It wasn't President Clinton's policies that gave us a great economy. It was the Republican Congress.

They talk about the problems with Fannie Mae and Freddie Mac and the failed administration. I think we will see more and more coming out that the problems with Fannie Mae and Freddie Mac are because of the liberal policies of the Democrats forcing banks, mortgage companies, loan companies to make loans to people who should never have gotten loans. I'm sure there's some greed out there, and I'm sure that there are some characters that we wouldn't like being in the business. But most of it was because of the liberal policies that they put into effect years ago.

I do want to say that I appreciate what we have done for our veterans in this session of Congress, but the folks who spoke before us said they thanked the men and women who served us, and I do, too. We're going to be celebrating 9/11 tomorrow, 2001. We'll not celebrate but commemorate what happened that day. And I want to say I'm so grateful to the men and women who are currently serving in our military because they are all volunteers.

These folks say they think they've been serving in the wrong places, they've been put in the wrong places. Well, I thank the good Lord many times every day that we have men and women who are willing to serve this country no matter where it is they have to serve because they believe in this country and they will go wherever it is necessary for them to serve.

Now again, I want to talk more about energy now because that is what I think has created so many of the problems that we're facing.

My colleagues and I were here all during the month of August while the Democrats went on vacation. They took a 5-week vacation. And in fact, they're still on vacation because this week, we're doing practically nothing here in the Congress. We have passed bills like commemorating the Kingdom of Bhutan's participation in the 2008 Smithsonian Folk Life Festival, really important things to be doing while we should be voting on the American Energy Act, the bill that would create all-of-the-above alternatives for us.

And I want to recognize now my colleague from Michigan (Mr. HOEKSTRA) who has served his State and this coun-

try so well as a member of the Intelligence Committee, Ranking Member of the Intelligence Committee and formally chairman of the Intelligence Committee, to allow him to offer some comments on the energy issue and to bring his perspective to this.

Mr. HOEKSTRA. I thank my colleague for yielding. And as we go through the next period of time, we may have the opportunity to have more of a dialogue to talk a little bit about the energy issue and the challenges that we are facing as a Nation.

Of course you and I remember that early in August when Congress recessed, we were on this floor that Friday where a number of us had signed up for the opportunity to address our colleagues but most importantly to address the American people on the issue of energy. And we can sign up for 5 minutes, but our colleagues on the other side of the aisle said, "No, we're going home," and they shut down debate.

We came to the floor. We continued talking on the floor as they turned down the lights, as they turned off C-SPAN as they attempted to lock the press from covering the issues as to exactly what was happening here on the floor of the House.

We continued that process for the next 5 weeks until Congress belatedly came back into session this past Monday. And as my colleague has indicated, we came back into session, and we've done no meaningful legislation. We haven't dealt with the issue of the threats of radical jihadists. We haven't dealt with health care, we haven't dealt with energy. Prices back in my district have again spiked up this week even though the price of oil has come down about 30 percent of its high of \$147. You know, prices at the pump spiked back up this week.

And for some people, the issue of energy is an inconvenience. Paying a little bit more or paying a lot more at the pump is an inconvenience to some people. But I can tell you in July, I spent a part of a morning at the gas station pumping gas. People would come in; I would help fill up their cars. They would fill out a survey for me. I would spend some time talking to them. And for a number of these people, filling up their tank is now a hardship.

And I think you and I would agree that we wish they had a proposal on the other side of the aisle. We wish that they would bring energy to the floor of the House for us to debate because this problem is only going to get worse.

I live in a northern State. Today my constituents are challenged with the price of filling up their gas tank, because I went through the district during August. I found people who drove as much as 40, 50, 60 miles one way to work. So they're putting on 80 to 100, 120 miles a day. Filling up their gas tank is a hardship.

In those same areas, when we get to November, December, January, they're

also going to get hit with home heating costs. A double whammy. They're going to fill up their pump or their car at the pump, and then they are going to have to go home and pay the heating bills for their house. And these folks are unwilling to build a plan to address that right here on the floor of the House.

Now, they went into a caucus today, and we see how they're writing their legislation. It's kind of like we're going to get a plan that can get 218 Democratic votes. They're not going to introduce a bill. They're not going to take it to a subcommittee, have hearings on it, have people come in and say, you know, here is what we really like about your bill and what we think really works, and we think this may be a weakness. People proposing amendments, they vote on amendments, the bill gets better, it goes to full committee, you go through the same process, and it comes to the floor of the House where again, people like you and I who might not be on a committee of jurisdiction, if we've got a good idea or something that we think is a good idea, we have the opportunity to present it to our colleagues and have it voted on to see if it can be part of this final package. That's not the process they're going to use.

They're writing a bill in secret, and we have no idea what it is. And I would guess, you know, we thought maybe it would come out Friday. They're not going to hit that deadline. They're maybe coming out with a bill Monday or Tuesday. It will probably be a thousand pages, and they will say, Congresswoman, here it is. Here is our energy plan. Congressman, here it is. We will say, What is it? They will say, Read it. And it's like, whoa.

And we already know what it's going to be. We're for all-of-the-above: Exploration, drilling for American oil, natural gas, we're for conservation, we're for higher fuel efficiency standards and automobiles and those types of things. We're for alternative technology and investing in wind, solar, geothermal, and all of those types of things recognizing that to fix the problem on energy, we need an all-of-the-above solution because nuclear alone won't fix it, drilling alone won't fix it. T. Boone Pickens is right. We can't drill our way out of this problem. But we can help.

Right now one final comment, and then we can talk about this.

Sitting on the Intelligence Committee we know where we're getting the oil from. We get a lot from Canada, a lot from Mexico. These are two reliable allies, although there is some instability from Mexico. After that, the neighborhood gets to be pretty ugly.

Nigeria. Nigeria is a great country, but it has a tremendous amount of instability and corruption.

You then go to the Middle East. A lot of these folks are not our friends.

You then go to Russia. Ask the Georgians. Is Russia a reliable ally? Ask the people in Ukraine. Is Russia a reliable

ally? Russia has started this. Russia, a couple of years ago, was the country that said, or through their policies, indicated that they were willing to use energy as a political tool by threatening to cut off natural gas to places like the Ukraine. And in many ways we're funding our enemies.

Bottom line on this. This year we will run about a \$600 to \$700 billion trade deficit. If we became energy independent, our trade deficit would approach zero. Trade deficit isn't manufacturing. It's none of these things. It's energy. And if we invest in that, we could move forward.

Ms. FOXX. Would the gentleman yield?

Mr. HOEKSTRA. I will yield.

We're joined by a few of our friends, and I think we can have a spirited discussion about the future of America rather than focusing on the past. So thank you for yielding.

Ms. FOXX. I agree with you.

Do you remember some of the promises that were made by the then minority?

Mr. HOEKSTRA. If the gentlelady will yield, I think the big promise was—I have Speaker PELOSI saying, I have a secret plan.

I'm not sure that she said "secret."

Ms. FOXX. I think she said, "I have a commonsense plan."

Mr. HOEKSTRA. "I have a commonsense plan to lower the price of gasoline." Whoa.

You know, I hope that she let's America know soon what it is because for the last 20 months under Speaker PELOSI, her commonsense plan has only meant pain and hardship for my constituents.

Ms. FOXX. And I think that what we need to do is take some of the promises that were spewed out here tonight by these folks who had the hour before us and put them next to all of those promises that were made by Speaker PELOSI and majority leader HOYER in 2006 and say, well, if they delivered on these promises in 2006, then maybe we could believe they will deliver on these promises in the next election.

Mr. HOEKSTRA. If the gentlelady will yield for a minute.

I thought it was pretty interesting on the floor when the minority leader on the floor, Mr. BOEHNER from Ohio, was talking about a procedural vote here on the floor and said, "Will you allow a vote on the American Energy Independence Bill?" And the answer after he asked that question three or four times, the folks on that side of the aisle started saying, "No, no, no," meaning they don't want to have a full and complete debate on energy.

What really makes me concerned is that they're going to throw up—we know what they're going to—we're for all-of-the-above. They're going to come out with a plan later on, who knows. I wouldn't even call it a plan. They will come out with a piece of paper, and as we dissect it, it will be none-of-the-above. They're not for nuclear, they're

not for drilling offshore, they're not for drilling in Alaska.

□ 2145

Ms. FOXX. They're not for nuclear.

Mr. SHIMKUS. So you go through all of this and say it's not even some of the above. They'll put in, especially when it comes to drilling, and they'll say well you can drill in these specific areas.

But as one of my colleagues, Congressman SHADEGG, has pointed out, I think in Alaska and some other areas, where 487 leases were issued, every single one of those leases has been challenged multiple times through the process by radical environmental groups to make sure that no drilling takes place. Those folks know that we can open this up, but because we've created these environmental standards, the radical environmental standard, no drilling will ever take place.

Ms. FOXX. I think that, even though we haven't seen the bill, I feel certain that I will be able to give that bill the Emperor's New Clothes Award because it will pretend to do something but it will do nothing. So I can just about bet that it's going to do nothing and will deserve the Emperor's New Clothes Award. I have the Emperor's New Clothes Award here. You can see it on the podium here, and so I'm going to give it the Emperor's New Clothes Award. I know that's what it's going to deserve.

Mr. SHIMKUS. I think as we talk about this, and I hope our colleagues join in. I come from the great State of Michigan and we're struggling. Last month, we were at 8.5 percent unemployment. My expectation is that now with what's happened at the national level that unemployment rate is going to go up.

But as we struggle with these energy costs, it has absolutely hammered jobs. It has absolutely hammered the automotive industry and these types of things, and the refusal of our colleagues to deal with this issue means increased unemployment and increased hardship for a State like Michigan.

And you know, our Governor came out recently and said I can't believe that Michigan may be in play in this election, and it's kind of like, excuse me, Republicans are going to do very well in the State of Michigan because Democrats in Washington have refused to deal with the issue of energy. And if people want to take a look at what America might look like under a Democrat administration all the way through, take a look at Michigan.

Michigan, our Governor came up with a brilliant strategy of saying, you know, we've got the highest unemployment rate in the country. You know what we ought to do? To attract more business, to attract more investment to the State of Michigan, let's raise taxes and let's make sure people don't understand exactly how much or where those taxes are going to be raised because we think that will get people to

come to our State and get them to invest and create jobs.

Now, we live on a peninsula. People don't come to Michigan naturally. If they want to do and invest in Michigan, they've got to be going down the expressway in Indiana, and depending on whether they're going east or west, they've got to make a left turn or a right turn. And I'll tell you, they're not turning into Michigan anymore because they're looking at Ohio, Illinois, Indiana and all of these States, and they're saying these are pretty good States to do business in. And if we take a left turn and go up into Michigan, we're going to be paying more in taxes. We will just kind of stay on the interstate and do business here.

But that's what, you know, we're facing with a Democrat leadership that not only won't deal with the energy issue, but will raise taxes because they believe the best way for America to be competitive on a global basis is not to grow American industries but to tax American industries and to tax the American citizen so that we can feed this beast in Washington.

Ms. FOXX. Thank you. I appreciate my colleague from Michigan explaining the Michigan situation. I want to make just one comment, and I'm going to ask some of my other colleagues to speak.

When the Democrats took over the Congress in 2007, January 2007, we had had 54 straight months of job growth under a Republican-led Congress and a Republican administration. What they refuse to admit is, as soon as they took over the Congress, the price of gasoline started going up, and as the price of gasoline started going up, so did the unemployment rate. There is no denying these facts. They caused this problem. We've been pointing this out week after week. We're finally, we think, getting through that the Democrats are in charge of the Congress, and it is their policies that have created these problems.

I want to recognize now my colleague from Pennsylvania I think who has some comments to make about this situation, and we've been suddenly joined by several people. And so I do hope that we'll have a great dialogue here, but with my classmate, my colleague from Pennsylvania, I yield to you.

Mr. DENT. I'd like to thank the gentlelady from North Carolina for her leadership on this very important issue.

Mr. Speaker, I feel it's very important that as with Members of Congress we lead, and there are a lot of things that the Congress would like to do, need to do, but there's one thing that we must do, and that is fund the Federal Government. I think it is a dereliction of duty on the part of this Speaker of the House and this Congress that this Congress has failed, has failed to deal with the various spending bills, the appropriations bills to fund the government.

The reason why this Congress is not dealing with these appropriations bills

is because there is fear, fear that some Member of the House, some impertinent Member, maybe a Republican Member, maybe a Democratic Member, will stand up on this floor and offer an amendment to provide for additional American energy production from traditional sources.

So we're not dealing with the most important business of Congress, which is to fund the government because there is fear to deal with the energy issue, and I think it is unrealistic and unfair that there are people in this House who, for whatever reasons, oppose traditional sources of energy. Everybody here supports alternative renewable fuels, but we also know we need to deal with the here and the now.

I come from a State, Pennsylvania, where we are rich in coal resources, where oil was discovered in Titusville, Pennsylvania, by Colonel Drake some time ago. We have tremendous natural gas reserves. My State has been part of the energy solution for this Nation for a very long time and will continue to be.

Ms. FOXX. I heard that the United States is the Saudi Arabia of coal and that we have three times the coal reserves that Saudi Arabia has in oil reserves. Have you heard the same thing?

Mr. DENT. I've heard the same thing, and I believe that reference is to some of the vast oil shale reserves out in the Rocky Mountain West. But I know in terms of coal, it's estimated that we have about 250 years' worth of coal supply, assuming we're consuming at the current levels.

What I did want to say, though, is coal is responsible for 50 percent of the electricity generated in the United States. Nuclear energy is responsible for about 20 percent. Natural gas for another 20 percent. I'm up to 90 percent. There's a little bit of other. Petroleum, hydroelectric takes a fair amount. Solar and wind I think account for about 1 percent.

But unfortunately, while I strongly support solar, wind, geothermal and other renewables, I also know there are too many people in this Congress that, though renewables account for 1 percent of our source, it accounts for 100 percent of their talking points.

The truth is we know we're going to need coal. We need to clean it up. Clean coal technology, there's a lot of interesting, carbon capture, storage sequestration going on out there. We need to develop that technology. I think we all understand, too, that if we want to lower carbon emissions in America we're going to need to expand nuclear energy.

But again, many people in this building are opposed to coal technology. They're opposed to nuclear. They're opposed to drilling for gas and oil where those resources may actually be. So that really limits our options as a Nation.

We have to get to work. Everybody knows it. And this is not a Republican issue or a Democratic issue. This is an

American issue. The American people are pragmatic. They want us to solve the problem.

I'll be the first to tell you, you know, our critics, the critics of the Republican Party will say that Republicans are too focused on production and supply. Critics of the Democrats will say that they're too focused on conservation and efficiency. The truth is we must do both, and I'll be the first to tell you that we can't drill our way out of this problem, but drilling is most assuredly part of the solution, just as conservation is part of the solution, and neither can you conserve your way out of the problem.

So we need people to be pragmatic, come down here and support something reasonable. The American Energy Act about which we've been speaking tonight is a good piece of legislation. It deals with all of the above, the alternatives, renewables, transitions to the future, as well as traditional sources of energy, conservation, efficiency.

There's another bill out there, the Peterson-Abercrombie bill, which is a genuine bipartisan bill that there's a lot in there I like and there's some things I'm not particularly crazy about, but I would support that bill. I'm a cosponsor of it. In the name of compromise, I'm willing to support legislation that will advance this discussion and actually, more importantly, advance America's energy security.

At the end of the day, the American people want us to become less dependent on unstable parts of the world for fossil fuel. I think you and I agree to that, but it's going to require leaders to say, yes, take an affirmative approach to energy. But as you know, too many people here are not willing to do that, and I have to lay the blame at the doorstep of the Speaker of the House.

I thank Ms. FOXX, my classmate, for allowing me to speak on this important issue.

Ms. FOXX. I want to thank my classmate, Congressman DENT from Pennsylvania, for illuminating this issue from his perspective in Pennsylvania.

Now I want to turn it over to a new Member of Congress this year who's been, I think, one of the really bright lights in the Congress, who's one of the most articulate people that we have in the Congress, Congresswoman MICHELLE BACHMANN from the Minneapolis/St. Paul area, which just hosted many of us who were at the Republican National Convention.

And I want to say that it was certainly "Minnesota Nice." The folks in Minnesota were fabulous. They treated us very well, very friendly, just like the people in North Carolina. I was extremely pleased to be there, and I want to ask you if you will share some of your perspectives on this issue of energy.

Mrs. BACHMANN. Thank you, Ms. FOXX. I appreciate that.

Minneapolis/St. Paul is a very nice area. Minnesota is the "Land of Minnesota Nice," and we really do love

people. So y'all come back, if we can borrow that from you. Y'all come back.

My name is MICHELLE BACHMANN. I do represent Minnesota's Sixth Congressional District, and I tell you what I am so pleased about is the fact that the United States, we have the answer to our energy problem.

We have, as Representative DENT of Pennsylvania said, we have an abundance of coal. We're the leader in the world. Twenty-seven percent of the world's supply of coal lies here in the United States of America.

We're the Saudi Arabia of oil in three States alone: Utah, Colorado, Wisconsin. We have more oil than all of Saudi Arabia contained in shale oil.

We have an abundance of natural gas. We have over 420 trillion cubic square feet of natural gas, and that's just in the Gulf of Mexico.

We have so much oil and we haven't even begun to tap what we have in terms of nuclear power, what we can do with wind, what we can do with solar, with all of the inventions that are yet to come out of brilliant young entrepreneurs. All we need to do is unleash it.

But right now, you're looking, Mr. Speaker, at the problem for this, for the energy crisis. It isn't lack of resources. It certainly isn't lack of technology. What it is is lack of will on the part of the United States Congress. Mr. Speaker, the Democrat-controlled United States Congress is the problem for America's energy crisis. Look no further. The Democrat-controlled Congress, under their leadership, their auspicious leadership, has led to an increase of 76 percent in the price of gasoline at the pump.

□ 2200

Seventy-six percent increase. I've only been here 20 months, and we've seen gas prices go up 76 percent under Democrat-controlled leadership.

Minority leader JOHN BOEHNER made a decision late in the month of July. He decided to lead 10 Republicans to go up to Alaska to visit the ANWR region that has been so vilified, that we've been told that we absolutely cannot drill up in ANWR, that somehow the world will come to an end if we drill in ANWR. Well, JOHN BOEHNER, with his leadership, took 10 Republicans—and I was blessed enough to be one of those Republicans to go not only to Colorado to visit the National Renewable Energy Laboratory, but also up to Alaska to ANWR.

And there is one little story that I want to tell the American people before I hand this over to my colleagues to continue, and it's this: While we were up in Alaska visiting our oil-rich region where we were able to go to the North Slope—here is the North Slope of Alaska. Thirty-one years ago, the North Slope of Alaska was the largest producing oil field in the United States. Sadly, 31 years later, this is still the largest producing oil region. Why? Because we have a Prohibition-era mentality when it comes to production of American energy legislation. Because this Congress has made a deci-

sion: No more energy production here; if we're going to have energy, we've got to buy it offshore. Well, that is ridiculous; it's why we're in the situation we're in.

But here in the North Slope 31 years ago, when we began building this energy lifeline which is our North Slope Trans-Alaska Pipeline which extends 800 miles from Prudhoe Bay down to Valdez, when we built that 31 years ago we were producing 2.1 million barrels of oil a day. Do you know where we're at now? Seven hundred thousand barrels a day. Within 10 years we will be down to \$300,000 barrels a day. You know what happens, Mr. Speaker, when we get down to 300,000 barrels a day? When we get to that point, this energy lifeline that feeds the lower 48, it's going to shut down. And, I mean, when it shuts down, you can't add another oil field and bring it back up into production. And do you know, Mr. Speaker, what it costs us to replace this energy lifeline? Fifteen billion dollars. And it isn't just the \$15 billion, it would take several years to rebuild this because this pipeline is made out of stainless steel, and stainless steel doesn't come cheap anymore.

We are in trouble. Because if, as the Democrat nominee, BARACK OBAMA, has said, he doesn't plan to do any more drilling, and Speaker PELOSI, NANCY PELOSI, the Democrat-controlled House, has said she really doesn't plan any more drilling, or as HARRY REID has told us, he really doesn't believe in more drilling, if the Democrats have their way, there won't be more drilling. And so we will have this energy pipeline that has served our interests for over 31 years, it's going to shut down within 10 years time. Shut down. So if we thought \$4 a gallon was a lot to pay for energy, we're going to think that's a cheap date because it's going to be \$6, \$8, \$10 a gallon because the Democrat-controlled Congress has said, no how, no way, not on their watch are we ever going to start drilling. It's not going to happen. And it's not going to happen under BARACK OBAMA.

There is a very real choice that the voters have to make come this November, and it's this: Do you want to pay \$2 a gallon for gas under a President MCCAIN and a Vice President Palin—who will drill, by the way, for new energy—or do you want to pay \$6, \$8 or \$10 a gallon for gasoline very soon under a BARACK OBAMA and a Democrat-controlled Congress who said no way, no how, never under their watch will they begin the drilling process? It's that simple: \$2 a gallon, or \$6, \$8 or \$10 a gallon? That's what the American people will be asking themselves.

And I'll tell you one thing, under a Republican-controlled Congress, if we can get there this fall, this November, there will be a change. There will be drilling in ANWR. There will be drilling in the oil shale region. There will be drilling in the Outer Continental Shelf. There will be expansion of clean coal technology. There will be building of 45 new nuclear power plants. Instead

of being the world's greatest dependent on foreign energy importation, we will become the world's leading exporter of energy.

Can you imagine? Millions of jobs, high-paying jobs. And I will end with this. As a matter of fact, up in Alaska, what I was told is that entry-level jobs on the North Slope pay over \$100,000 a year plus benefits. There's a lot of people from the great State of Minnesota that would go up to take those jobs.

We have the answer. We have got the ticket. We don't have to be mired under \$4 a gallon gas or \$6 or \$8 or \$10. Under a Republican-controlled Congress, Mr. Speaker, the American people will get back to paying \$2 a gallon or less. This is real, and it can happen very quickly. And that's why I'm so grateful to the gentlelady from North Carolina for bringing this important discussion and reminding the American people that under a Democrat-controlled Congress we've seen gasoline prices increase 76 percent. And that can take a nosedive if we see real change at the ballot box this November.

Ms. FOXX. Well, I thank my colleague, Congresswoman BACHMANN from Minnesota. And I want to say she has boiled it down to a very simple fact. And I say that people in this Congress are either pro American energy or anti American energy. And I think we know the difference in the two groups of folks.

The people who don't want us to produce energy in this country are anti American energy. They don't want us to be independent of these foreign countries. It is a difficult thing for me to understand, it's a difficult thing for my constituents to understand.

And as our colleague, Mr. DENT from Pennsylvania, said, we want all those alternatives, but they only produce a small part of what we're going to need. Perhaps eventually we will have the technology to produce more of it. But we have to increase our supply of gas and oil and other fossil fuels to get us through this situation that we're in now until we get to those alternatives. And certainly we want them, but they're a small part right now of what we can produce.

Other people who have joined us tonight include my great colleague who is on the Constitution Caucus with me and is often here speaking on the Constitution, a former teacher from the State of Utah. Now, former teachers like Congressman BISHOP and I often have tendencies to speak for 50 minutes at a time, but since there are other folks here tonight, I'm hoping he is not going to speak for 50 minutes. But he is going to be very eloquent in what he shares with us.

I yield to my colleague, Mr. BISHOP from Utah.

Mr. BISHOP of Utah. I thank you for that kind introduction. And it won't be

50 minutes unless I go into Mr. KING's time in some particular way.

I'm excited to be here to join you and to join the others, especially the gentelady from Minnesota, who painted such a marvelous vision of what we could, indeed, be doing in the future if we just come together on this particular issue.

There are many people who have said, you know, where have we been all these years on this particular issue? I haven't been here forever, but I do know, from my years here as well as in the State legislature in Utah, that we have been arguing this issue for years.

One of the freshman Members today came to the floor and criticized us for why we haven't done any of these issues earlier. And the bottom line is: We did. I have not been here forever, but there have been countless votes I have made in favor of drilling in ANWR and I would do so again. I have made countless votes in this body on expanding our offshore drilling leases and permits in areas and would do so again.

From the very first day I came here, JOHN PETERSON has been extolling the problems this economy will face if we don't face up to the fact we have a dwindling supply of natural gas here in the United States. We have been talking about this forever. Even before Speaker PELOSI changed my mindset and told me that natural gas is not a fossil fuel and you don't actually have to drill to get it, despite that fact there is something that is different now. And like most issues that come to their prime, there is a catalyst that changes and a catalyst that drives the issue forward. We have seen that this year.

I come from the West, which is the energy-producing section. Some of my friends in the areas that I call the "energy consuming" sections have been very happy over the years to try and lock up areas of the West and areas off the coast which produce energy, and they can do it with impunity because it has no impact on their lives. But all of a sudden, when you start paying 4 bucks a gallon of gas, then something is different.

The massive spike in gasoline prices at the pump over the last 2 years is the catalyst that is taking the arguments—and the arguments that we have said over and over and over again year after year—and have finally driven it to the point where everyone realizes mistakes we have made in our energy policy and our land policy for the past 30 years have brought us to the situation where we are today. And the cost we are paying at the pump is because of misguided decisions we have made for over 30 years. And now is the time where Americans are ready to stand up all over this country and say now is the time we need to take a new direction with real solutions so that we can solve where we have been brought by past decisions.

And as has been stated before, we're not just talking about drilling. It's one of the common arguments they say, all

Republicans want to do is drill. Yeah, we want to drill, but we have always said it's not drilling alone. When we say we need an all-of-the-above solution, it means we need an all-of-the-above solution.

The common fossil fuels are as important to solve our energy problem now as expanding alternative energy sources will be to solve our problem in the future. But one of the issues we have never faced in this country—once again, another decision we've made improperly years ago—is an adequate way of funding our investment and expansion of alternative resources.

Now, one of the things we could do if we actually do increase our production of oil and natural gas and oil shale and coal is to use the expanded royalties this Federal Government would receive and funnel those royalties into building and developing our alternative resources for the future. And that's what the all-of-the-above American Energy Act wants to do. It is both of those.

I have found, to my utter amazement, there is no source of energy that does not have its critics. How can one be opposed to solar power? Although when we tried to build a solar plant in New Mexico, people were opposed to it because it would take up too much of the desert. How can you be opposed to wind power? Although I was reading an article in a local paper of a farmer in Wyoming who was opposed to wind power plants simply because the washing of the blades makes too much noise, or it chops up too many birds that are part of the Migratory Bird Treaty.

Every source of energy has somebody who is opposed to it, which is why, if we're really going to reach a consensus of everybody, the only solution is to say nothing is off the table, we develop everything. It is the only real solution, it is the only fair solution, and that's what we are after. If we care about consumers in the future, we develop everything.

Conservation is essential, but we all know conservation alone does not solve our problem. But the American Energy Act is the only bill that actually has real incentives for Americans to conserve and rewarding them for efforts to conserve. We realize we do not have the infrastructure to move energy from one part of this country to the other. And the American Energy Act is the only one that realizes we must put extra money and effort into building our infrastructure or everything else is useless. We are the only ones that realize it has legal impediments. As was mentioned before, as soon as you open up an area, it is immediately open to open-ended standing so that anybody can sue, and that is, indeed, what happened. And in the Americans for American Energy Act, that is the only area that actually talks about reforming that process so that once a decision has been made, we can move forward.

The American Energy Act is the only one that recognizes solutions are made

by people out there, because within the soul of American people is the creativity we need to solve our problems. And what we should be doing as a government is not trying to dictate solutions from here in these hallowed halls, but allowing Americans to find their solutions by themselves and then rewarding them for it.

When England became a superpower on the oceans, they did not have a way of mapping the oceans, so they established a prize of 20,000 pounds to the first person who could figure out how to do it. And the British clock maker from London who invented latitude and longitude, we are still using his invention. When Napoleon started marching with his troops, he realized he did not have a way of feeding them, so he gave a 14,000 frank prize to the first person to solve the problem. The vacuum-packed concept of food is the same thing he invented for 14,000 franks and we still use today. When Lindbergh flew across the ocean he was after a prize from a newspaper. And the aeronautics industry has developed from it.

All we need to do is say we will reward Americans for coming up and producing a solution and reward them well for it, and they will solve the problem without our expert attention driving that way.

Now, we've heard a lot of blame about the problem. We've heard Big Oil blame because they're gouging people, therefore let's tax them—which is what we tried 30 years ago when the development dried up; or we have said that they have leases out there they're not using it, so use it or lose it—even though that's exactly what the status quo is, indeed, doing. We've had all sorts of other ideas that Big Oil is the problem here. As Newt Gingrich said, if you really want to help Exxon, do nothing. They already have their oil. Sixty-eight percent of all the oil that is being drilled in this country and 87 percent of all the natural gas being drilled in this country today are being done by small entrepreneurial companies, 200 employees or less, names of which no one in this body has ever heard.

If we really want to expand our economy and add competition, which will lower price, expand the efforts of people to become involved in this process. What we need is not another political scheme, we have had 30 years of them; we need real solutions. And that is what we want, a vote on a real solution, not some faux solution, a real one that actually addresses real issues for real Americans and solves their real problems.

□ 2215

Groucho Marx once said that "politics is the act of looking for the trouble, finding it everywhere, diagnosing it incorrectly, and applying the wrong remedies." If we're not careful, that's exactly what we could do in these next 2 weeks. We can't just go for the cheap fix political deal. We have to go for a

real solution that helps real people. And that's the vote that we demand.

Ms. FOXX. I thank my colleague from Utah. He never disappoints. We got not only a very concise discussion of the problem but some wonderful history lessons in the process.

I want to now recognize another distinguished and very eloquent person in our Congress, a member of the Republican leadership and chairman of the Republican Policy Committee, THADDEUS MCCOTTER from Michigan. He's our second person from Michigan tonight, but THADDEUS is the kind of person who, when he speaks, everybody listens because we have to listen very closely to make sure we don't miss all of that wit and innuendo that he'll share with us.

I now yield to the gentleman from Michigan.

Mr. MCCOTTER. I thank the gentleman for yielding.

I have great empathy for the gentleman from Utah who hoped for a big ending. I would prefer just a passable beginning; so bear with me.

I come from the State of Michigan, as my colleague who spoke earlier, PETER HOEKSTRA, so well earlier discussed. We are a State that is suffering. We are a manufacturing State that has seen job losses for several years in a row. And what we have also seen because of the high price of energy is a drop-off in our tourism trade both from Michigan residents inside the State who could not afford to take a family vacation and for people who come to our wonderful Great Lakes State to recreate. This is a twofold problem which has done something to the State of Michigan which has happened to no other of the 49 States. Last year Michigan became the only State in the Union to have a rise in poverty and a decrease in median income.

The cost of energy is exacerbating this suffering greatly. Now, because my State wants to work under difficult economic times, I want to express the absolute disgust that many of us have for the way people who have been elected by the sovereign citizens of the United States to serve in this Congress have worked on their jobs. We have seen over the month of August in America 84,000 American jobs lost in large part due to energy costs. In response, the Democratic-controlled Congress took a 5-week paid vacation.

On our part as Republicans, we came to this floor every day this Congress should have been in session and had a speak-in with the American people about what we hoped to do on their behalf if given the chance by the Democratic majority to actually come here and earn the salaries that we were being paid. We got no response from the Democratic Party. But we did get a response from the American people. And the response that we got from the American people was loud and clear: It was we would like to have a fair up-or-down vote on the bipartisan all-of-the-above American energy strategy.

What is in this? As the speaker from Utah stressed, it is not simply a drill-only bill. It has three key components as we move towards an important goal. The first is maximum American energy production. The second is common-sense conservation. The third is free market green innovations.

Now, why do we need all three? So we can have a responsible transition to American energy security and independence. If we do not recognize that this problem is one of supply and demand, if we do nothing to increase the supply, you can do one of two things: You can let the cost continue to escalate or you can focus on the demand. If you focus solely on the demand, what you are doing to the American people is saying what some people have said about American gas prices: "We are better off without cheap gas." This is a cold turkey policy which for ideological reasons will accomplish nothing but pain and suffering unnecessarily on the American people's family budgets and on their pursuit of the American Dream, which I point out is not necessarily to be mandated that it has to occur on foot. We want a responsible transition to American energy security and independence, one that makes the American people full participants in this transformational undertaking and does not continue the state of affairs that is occurring now here in their own country.

Who are the best friends of Big Oil? My friend from Utah touched upon it. The best friends of Big Oil are the people who do nothing. And for 5 weeks we saw who was doing nothing and we saw who was trying to do something. If you want to be a friend to Big Oil, continue the government-mandated rationing of American energy. Stop Americans from extracting their own natural resources to increase supply as we transition to American energy security and independence because if you do not allow that supply to increase here at home, American oil from American soil, you're going to continue to see prices rise. You're going to continue to see the Big Oil companies that you claim not to like reap even greater harvest at the gas pump, and meanwhile you will know that you were complicit in this, and we will make sure that the rest of the country does too.

In the final analysis, if we do not have a fair up-or-down vote, the suffering is going to continue and no amount of political chicanery is going to mask the fact to the American people that you refused to act and when you were compelled to act, you refused to do anything substantive that was going to help them because all they have to do is drive. All they have to do is need any form of energy, be it gasoline, be it home heating oil, and check the price and see what did or did not occur on your behalf and who did or did not act.

When we came back into session, what did we find? We found trout waiting for us. We decided we were going to

do something about trout and perhaps that would spawn an energy bill that perhaps could help Americans. This is yet to prove the case because what we have seen is a continuation of the 5-week paid Democrat vacation that has stumbled into week 6 with nothing substantive being done about energy prices, an internal debate amongst their own caucus as to what to do if to do anything. And we stand here with not a bluff but a bill. We have stood here with the American Energy Act and asked for one thing: an up-or-down vote. They have refused.

I have no doubt that as we proceed in this process, the American people are not only going to be outraged by the fact that we have done nothing on energy to help them, they are going to look at a calendar as put forward by the Democratic majority in this Congress that has something that you who work for a living could never do. Between August 1 and January 1, this Democratic Congress cares so much about working Americans and energy that they will meet for 15 working days out of 5 months for full pay. You try doing that at your job, if you're lucky enough to have one, thanks to this Democratic Congress.

Ms. FOXX. Again, I promised you eloquence and you received eloquence.

I want to share with you some of the bills that the Democrat Congress has been presenting to us to vote on while they have been ignoring the need to vote on the American Energy Act.

How about this one: recognizing the American Highway User Alliance on its 75th anniversary. Now, that was a really important bill for us to be voting on.

Or how about what we did this week: condemning the use of television programming by Hamas to indoctrinate hatred, violence, and anti-Semitism toward Israel in young Palestinian children. I am one of the biggest supporters of Israel that you will find, but I don't think that our passing this bill had one wit of difference on Hamas.

Another really significant bill: supporting the goals and ideals of National Passport Month. When we should have been dealing with American energy, we were passing that bill.

We also passed a bill recognizing the 100th anniversary of the declaration of the Muir Woods National Monument by President Teddy Roosevelt. All of us Republicans are very glad to see Teddy Roosevelt honored because he's the original conservationist. He set the tone for Republicans, and we all know that. But I'm sure Teddy Roosevelt would have rather we had been dealing with the American energy situation and not commemorating something he had done because it was the right thing to do.

Two hundred and eighty-two laws have passed in the 110th Congress. Thirty-seven percent of them have named buildings or lands. Thirty-seven percent of them passed unanimously. Another fifteen percent extended the law or made technical corrections to

an existing law. This Congress has done nothing while the American people have suffered.

The Democrats' answer to the needs of the American people for lower gas prices is "drive small cars and wait for the wind." Ladies and gentlemen, that should not be the response of this Congress to the needs of the American people. When gasoline prices are \$4 a gallon, we need to do something. And as my colleagues have so eloquently expressed here tonight, we can do something. We have it within our power to create all of the energy that we need in this country at very affordable prices. However, this Congress, led by Democrats, controlled by Democrats, having Democrats in charge, have done nothing to act on the needs of the American people. I think one of the most important things we were able to accomplish in August when many of us were here every day talking to the American people on this floor because, as people have said before, the lights were out, C-SPAN was off, the microphones were off—in fact, many of us have had trouble speaking with microphones again because we were on the floor speaking so many times without microphones. We brought the issue to the American people. We let the American people know who was in charge, who is in charge of this Congress. The American people have said we want something done.

The Speaker is saying they're going to bring a bill, but as my colleagues have said, we have been here all week. They had the whole month of August. They had 5 weeks to come up with something, in addition this week. No bill yet to vote on. And I will make one little correction to my colleague from Michigan who said we will be working for 15 days from August 1 until January 1. We are not going to be here on Friday; so it's only going to be 14 days. We're being paid to do that. The Democrats are in charge. It is their responsibility.

My constituents find it hard to understand how one person can be totally in control of what bills come for a vote in the House, but that is the case. Speaker PELOSI, a San Francisco Democrat, is the person who controls whether we vote on bills on the House floor. And you need to let your interests be known to her and to your Democratic Congressman if that's who you have representing you.

Mr. Speaker, I thank the leadership for giving us this hour.

□ 2230

ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALL) is recognized for 5 minutes.

Mr. HALL of New York. I must comment on the gentlelady's remarks that just preceded me and describe them as fiction. I'm sorry to have to say this

because many things have happened in this body on a bipartisan basis, especially on the Veterans' Committee that I serve on, where we are in almost unanimous agreement on all issues. But on the issue of energy, our colleagues across the aisle keep going on dishonest tirades about our national energy crisis in order to distract from their record of oil company capitulation and failure to protect consumers.

I guess they're operating under their party philosophy that if you repeat something often enough, you can make people forget that it's not true. I actually have more faith in the American people than that.

They know that for most of this decade energy policy has been written in the White House by Big Oil and led to record dependence on imports and skyrocketing prices. They know that Republicans in this Congress have been pursuing a none-of-the-above strategy, blocking every attempt to move forward at real energy solutions. At every step, they have said no.

They said no to responsible drilling in Alaska and making oil companies drill on the 68 million acres that are already open. They said no to increasing oil supply through the SPR, releasing oil from our Strategic Petroleum Reserve, which is the only way to immediately bring down prices. They, our Republican colleagues, said no to reigning in market speculation to keep prices from skyrocketing. They said no to protecting the American driver from price gouging and oil company exploitation. And while they stood in the way, the American economy suffered and family budgets braced for high home heating costs.

I think it's time to share the views of most of Americans when I say enough is enough. We need more energy and we need to enter a new era of energy technology instead of staying stuck in this "drill first, ask questions later" mindset that will not lower prices. According to our own Energy Information Agency, at the most, it's 1.8 cents lower after 8 to 10 years, or possibly longer. It will not make us more energy secure, and it will not allow America to prosper, which is why I have joined with the rest of the majority to support drilling responsibly for more American oil. And that means, by the way, making sure that the American taxpayer and the Treasury get the money from our oil. Oil under Federal lands and offshore leases belongs to the American public, to our children and our grandchildren, and those royalties were given away by the previous Congress, which for 6 years had control of all branches of government, the White House, both Houses of Congress, and the court system. For 6 years they did nothing but give away our resources, our children's and our grandchildren's resources without asking for fair royalty payments by the oil companies.

We have provided key tax incentives for renewables, like wind and solar and high efficiency. And I beg to differ with

the gentlelady that spoke before me. These things are available today.

West Point, in my district, is putting in wind energy on their hundreds of acres of campus. They are putting in a 5,000-gallon E85 tank, which is actually a breakthrough, considering the fact that thousands of flex fuel vehicles have been sold in my State of New York, and there is hardly any place you can even buy flex fuel or E85.

We are seeing students at high schools like Arlington High School in Dutchess County, New York, come to me and to the New York State Energy Research and Development Authority and ask for money for solar panels so that their high schools can be powered today by solar power.

We have voted to break the chains of our dependence on Middle Eastern oil by using American innovation to create hundreds of thousands of green jobs that cannot be outsourced.

When I was in Denver a couple of weeks ago, I learned that one of the biggest new solar photovoltaic installations in Colorado was being built, fortunately, with American jobs doing the installation but, unfortunately, with solar panels that are being built in China.

We should not go from buying oil overseas to buying solar panels from overseas or buying wind turbines from overseas or buying geothermal systems from overseas. The country that put man on the Moon should lead the way in this technological innovation and develop this energy at home that's a broad, real energy policy. And it's time to pass that kind of complete really all-of-the-above plan now. It's time for action now.

ENERGY SOLUTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. I appreciate the honor to be recognized to address you here on the floor of the House of the United States Representatives. I have a series of subjects that I am interested in moving forward on.

Before I broach those subjects that might be illustrated on my left, I yield so much time as he may consume to the gentleman from east Texas, Mr. LOUIE GOHMERT.

Mr. GOHMERT. I thank my friend from Iowa for yielding. Of course, we have had a good bit of discussion on energy. One of the things that has gotten a lot of attention is this moratorium on drilling in the Outer Continental Shelf.

It was interesting to talk to RALPH REGULA, a Congressman here, who said he was here in 1981 when the first moratorium got put in place. If you go back to President Jimmy Carter, he signed a declaration stating that the Outer Continental Shelf was such an asset for this Nation that it should be

developed expeditiously. Those were the two words: Developed expeditiously.

So what happened to that? Jimmy Carter saying, Wow, we have got this fantastic resource for oil and natural gas that would help the American people and solve so much of our energy problems. What happened? Well, RALPH explained he was on the committee when there was some wealthy beach front owners, landowners in California, and of course there had been an oil spill around Santa Barbara in California, a bad spill. Amazingly, people complained about the drilling platforms when actually it's the tankers that spilled the stuff bringing it from other places.

But, anyway, wealthy, just the rich, who had beach front property, said they didn't want to look out there and have to see a rig, no matter that it might bring cheaper gasoline or cheaper natural gas prices, which could mean cheaper fertilizer, cheaper foreign products, cheaper plastics, cheaper all kind of things. Never mind about that. The wealthy didn't see that as a problem.

They didn't want to see the rigs out there so they begged and pleaded Congress to give a moratorium so there would be no drilling off the California coast. Well, they were apparently persuasive. They had plenty of resources with which to persuade the Congress. As I understood, it was back in 1981. They persuaded Congress to give them a moratorium.

Well, the recitation was such that then Florida said, Wait a minute. Those of us that are wealthy in Florida that have beach front property, we don't want drilling that might put a rig out there where we could see it off our coast. So never mind that it might provide cheaper gasoline, cheaper products, cheaper heating oil, cheaper things like that. Never mind that. We just don't want to look out from our expensive piece of property and even risk seeing a rig out there. So let's get a moratorium too. California got one. RALPH had warned that if you give California this moratorium, you will rue the day you did it.

Well, the wealthy there were able to persuade no drilling off the Florida coast. They got a moratorium. Before you know it, State after State was able to use and parlay California's and Florida's moratorium into not having drilling off their coast, until we get to the present day, where there's still these moratoriums off most of our coastline that could help our Nation become completely energy independent and say adios to this tremendous transfer of wealth that has been going over to some people that just flat don't like us and some of whom have supported terrorism. So it's important to know your history. In order to know where you're going, know your history.

So when we talk about this moratorium, that is what we are talking about, wealthy folks in the country

that didn't want to have to risk seeing a rig, never mind that the rigs could have been required to be far enough off the coast that they could not be seen from the coastline.

In Texas, we didn't have the moratorium. Louisiana didn't. So you can go down, and we did hear the stories that if you put a platform off the coast, then it's going to destroy all the fishing in the Gulf of Mexico. How terrible that would be. Well, they put the platforms out there and, lo and behold, the fish look at it as artificial reefs. Now, if you want to go fishing, a great place to go out is to the artificial reefs, which the fish look at them as, and they are actually just the platform that are producing.

So Carter wanted it developed expeditiously. I had tremendous problems with some of the things he did, like creating the problem in Iran when he cut the legs out from under the Shah and hailed the Ayatollah as a man of peace coming in, and we have been paying the price ever since then.

But here we have a majority that talks about being concerned about what they say is the little guy in America, what I would say are the hardest working people here. I have had union jobs lost in the last few years because natural gas prices were too high. It isn't helpful to keep putting our natural gas off limits. We are losing jobs that good, hardworking union workers should not have to lose to some country where they have got cheaper natural gas.

Also, ANWR, the Arctic National Wildlife Refuge. It is ridiculous not to drill that small area, compared to the millions of acres that would not be touched, that area where there's no wildlife, the area where there is nothing that would be disturbed, and produce that to bring a million, million and a half barrels on line. And it would not take 10 to 15 years. We have got a pipeline 74 miles away. That oil could be in the pipeline and coming this way in 2 or 3 years.

All of that said, we can then use the revenue, the royalties. People talk about subsidies and this kind of this. Make them pay royalties. The bills that we were pushing in the last Congress for 2 years had significant royalties that would go and be split between the States and the Federal Government. Tremendous revenue enhancers. You have could use that for the renewable energy, you could use that to shore up the hurting infrastructure of this country without raising taxes, and it would be producing new jobs.

One estimate says that if we allow the drilling in ANWR, it would immediately start producing 250,000 jobs, and we'd have 750,000 jobs by the time it was actually completed and the oil started flowing this way. I think solar, I know Boone Pickens is visionary on the idea of wind. That can help us out. But I think ultimately if we get the capacitors to ever store electricity, solar could provide all our power, and this

would provide the revenue to get on the way to do that, and we could say goodbye forever to this tremendous gross transfer of wealth to countries, so many of whom don't care for us.

So I appreciate my friend from Iowa yielding. I felt like as a follow-up on this discussion about energy it was very important for people to know the moratorium that will go out of existence come the end of this month, unless something is passed. And I know there are many wealthy people in the Senate, I know that there are millionaires here in the House who are really not bothered by the high gasoline prices. I hope that the Senators that are wealthy will feel and understand the pain of the hardworking Americans and not cut the legs out from under this program that could strengthen America for the next 200 years.

I hope they won't cave in because the hardworking Americans in this country need the help. This is one place we can provide the help.

May God bless this country. One way it can be is if we are allowed to utilize the resources with which we have already been blessed. But thank you to my friend from Iowa for yielding, and I yield back to him.

Mr. KING of Iowa. I thank the gentleman from Texas, reclaiming my time, and I thank him for this transfer of wealth of knowledge to us, which we know in the brief time we have is a small component of the big picture but it adds a piece to the puzzle of the energy picture that we have been painting here every day in this 110th Congress for months and months and months, including every day, Mr. Speaker, that the House was designed to be adjourned for the August recess, as it's called. Republicans were here on this floor. Those cameras shut off, these microphones shut off, the lights shut down. We stayed here every single working day to carry the case to thousands of the American people who we brought down here on the floor of the House of Representatives to experience what a real debate was like, a real discussion was like.

□ 2245

I spent six to seven days here myself, Mr. Speaker. And although I saw a couple of Democrats lead a tour of people down here on the floor, I saw not one single one engage in this debate. The floor is always open for legitimate debate, and when it happens, I hope it is facts and not anecdotes.

A person who delivers this thing from a factual and occasional anecdotal but always a solid philosophical perspective is the gentleman from Michigan, the chairman of the Policy Committee, duly elected by his peers, and that is the gentleman from Michigan, Mr. THADDEUS McCOTTER, to whom I will yield.

Mr. McCOTTER. I thank the gentleman from Iowa, and I rise to address some of the issues that were raised by our colleague from New York, whose

sincere earnestness was not matched by his argument's accuracy.

Let us look at this situation squarely in the face. You can either increase America's supply of its own domestic natural resources in oil and gas, or you won't. Now, if you want to support it and increase the supply of American oil and natural gas, which we have to understand is that every time you play politics, for whatever ideological reason, to have government imposed rationing over America's production of their own domestic natural resources, you are going to increase the cost to the American consumers, because the more you hold back, the less supply is added, and this at the very time that global demand is increasing.

What you are going to want to do is increase the supply as best you can, as fast as you can, so you can help Americans who are suffering. What we have seen out of this Democratic party is quite simply a fig leaf plan to do nothing.

First, do-nothing bills that come to this Congress that are purported to be energy bills are in fact lethargy bills that are designed in fact to have a supermajority required to pass them. Why are they designed so have a supermajority to pass them? Why make it harder to do something that will actually help Americans at the pump? Because they are designed to fail, and they are not allowed to be amended by the Members on this floor. So this is part of a cynical strategy to put forward a do-nothing bill, get nothing done, and refuse to accept your accountability as the Democratic majority.

All we are asking the Democratic majority is to either agree with us to have a bipartisan vote on the all-of-the-above energy plan or to be honest with the American people. We have heard that somehow the Republican Party is engaged in a myth. Well, if it is a myth, then let us put it to the test on the floor with a vote. Let us see how many Democrats believe it is a myth.

The Republican Party can pass nothing in this House without Democratic support. We believe we have it, and if we don't, we will accept the defeat, move forward and try to find a way to work with the Democratic Party's leadership, which seems to believe that the United States does not need to increase its own domestic energy supplies, but rather needs to go cold turkey into an oil-free future, which I continue to stress is going to callously inflict pain upon Americans' pocket-books and their quality of life.

This is an ideological battle, but it is not an ideological battle amongst the majority of Members of Congress. Again, I could be wrong, but give us an up-or-down vote.

In fact, as you know, through the Chair to the gentleman from Iowa, as you know, we have seen this Democratic Congress take a 5 week paid vacation while 84,000 Americans were put out of work. The Speaker of this House

had time to write a book, but not a bill on energy. We still do not have a bill on energy. We still have nothing in front of us, except what? A bill that has already been introduced called the American Energy Act. And whether it is fact or fiction, or good or bad public policy, we can debate that, if you let us. We can debate that and have a vote, if you let us.

If you allow this representative institution, this beckon of democracy to all the world to actually function as it is intended under the Constitution of the United States and as it has been entrusted to us by our constituents, put it up for a vote. Let our voices be heard on behalf of our constituents, and let the majority, if not a party prevail, but the people prevail. That is all we ask.

But let us be clear about what the stakes are and the positions are. We support an all-of-the-above strategy. We want maximum domestic energy production as a part of it. We do not want minimum energy production as part of an ideologically zealous pursuit of some unobtainable future in the near term which is going to devastate Americans' lives now.

I yield back.

Mr. KING of Iowa. I thank the gentleman from Michigan. And it occurs to me as I listen that not only is there no energy bill on the floor, there has been only one appropriations bill come through the House of Representatives, where all appropriations have to begin, Mr. Speaker, and that appropriations bill, of course, hasn't gone anywhere in the Senate. And this is the longest period of time in the history of the United States of America that this Congress has failed to do its duty and responsibly pass appropriation bills, that have to begin here by Constitution, do go over to the Senate, are to come back here in a conference report, generally speaking, unless the Senate agrees, and go to the President for his signature.

We are here knew on the eve of the seventh anniversary of September 11th. Tomorrow is the day, the seventh anniversary. And yet a few days later, at midnight, September 30th, if this Congress doesn't act, if the responsible assignments that should come from the Speaker of the House aren't brought forward, Mr. Speaker, this government shuts down. That means it shuts off all money going to the various departments of government.

I do not think that will be allowed to happen, because that would be too obvious to the American people as to what is going on here. But there is no energy bill. There are no appropriation bills.

But what we have seen in this 110th Congress is 40 resolutions, 4-0, 40 resolutions have been brought to the floor of the House of Representatives designed to unfund, underfund, or undermine our troops. We took votes on them and debated them intensively. And none of them went anywhere, Mr. Speaker, except they made their polit-

ical statement, which encouraged our enemies, discouraged our allies, discouraged our troops, and said to them that this Congress wasn't behind them.

I heard Member after Member say, "I support the troops, but I oppose the mission." I would submit that that is philosophically inconsistent. You simply can't take a position that says I want our troops to know that I am behind them, but I am not behind them if they have to go out and put themselves in harm's way in an operation that I disagree with.

This Congress voted to authorize the President to use military force in the places and locations that we are. And once that vote goes up, we are to stand together, not divided, and we are not to be going to foreign countries to negotiate with terrorists, tyrants, dictators, or any parts of any evil empire, carrying on foreign policy out of this Congress. That is the President's responsibility, by Constitution the commander-in-chief, and he conducts our foreign policy, Mr. Speaker.

I am fairly fresh back from a trip over to some of those parts of the world that have given us a significant amount of grief since September 11th, and among those places in the world, three stops that I will speak of tonight are Iraq, Afghanistan and the sovereign state of Georgia, all in that order.

My report, Mr. Speaker, back from Iraq, is the easiest one and it is the most optimistic one of the three to deliver. It was my sixth trip into Iraq over the time that I have been in Congress since the beginning of Operation Iraqi Freedom.

Over that course of time, I have made it a point to get around the country so that I can be in the different corners to see what is going on in places like Kurdistan, in Mosul, up in Irbil, down in Basra, certainly Baghdad, up to Ramadi and over to Fallujah, a couple of times to Fallujah, Taji comes to mind, Balad comes to mind, Baja comes to mind, at some of the places that I have had the privilege to go to get a sense and a feel for the things going on in that country.

Always briefed by our top officers, always had an opportunity to sit down the State Department, usually the U.S. Ambassador, usually also the corps commander of our military there on the ground. I met General Petraeus for the first time in Mosul when he commanded the 101st Airborne, that was in October of 2003. And as this situation unfolded, I met with General Sanchez, General Casey, and now back to General Petraeus again as the commander of our troops in Iraq. He is posed now to be raised up to be the commander of CENTCOM, and we will see General Odierno step in as the commander of our military in Iraq, entirely capable, and I think an excellent and wonderful choice, and someone whom I have met over there as well over the course of the travels.

One of the things I do as well is I go into a mess hall and I meet with

Iowans. It is something unique about meeting with troops from your home State. The troops from the home State just know that you know somebody that they know if in case we don't know each other, and they will always give me the straight line because they know that we have got a reference point and they know that they can talk to me in confidence and I am not going to blow their cover, so-to-speak, and they won't get into a problem with their commanding officer out of anything that I carry on from that conversation.

So I am able to cross-reference what our troops on the ground know, our frontline troops, all the way up through our officer corps at all ranks, and on to our ambassador corps as well. And I find our military gives us straight answers, and they have been doing a selfless job, and they believe in their duty, and they believe in their mission, and they believe in this country, and they are there because they want to take this fight off of their children and grandchildren, and also, Mr. Speaker, your children and yours and mine grandchildren as well.

I agree with them and I honor and salute them for it, and I stand with them, I support them, and I support their mission, because supporting our troops and their mission is integral. It cannot be divided. You can't separate the two. They have to go together, Mr. Speaker.

Here is what I see in Iraq. The casualty rates, the civilian casualty rates have dropped off more than 80 percent. I know that a year-and-a-half or so ago they were picking up about 50 bodies every morning out of the river in Baghdad. The sectarian violence was that bad and the power struggle that was going on was that bad.

The enemies that we were fighting in Iraq a year-and-a-half ago came down to these definitions. We were fighting, of course, al Qaeda in Iraq was our number one enemy. We were fighting al Quds, the Iranian influence of their training of terrorists and their arming of terrorists. They foment terror with whomever they can. But the Iranian influence was there.

We were fighting Muqtada al-Sadr, his al Mahdi military, his militia. That was three. We were fighting also the Badr Brigades, a couple of different divisions, a couple of different separations or identities of them. Organized crime was another component. The pure power struggle going on within the communities was another component of fight going on a year-and-a-half ago.

But I would have to say that al Qaeda in Iraq was number one, probably al Quds, the Iranian influence was number two, Muqtada al-Sadr was number three. Former Ba'athists, I didn't mention them, was another enemy we had. Then organized crime, then the Badr Brigades and another Shia group that was in there.

So it comes to five, six or seven different enemies that were cluttering up

the battlefield and causing a lot of casualties and making it difficult to know which way to turn because it was an asymmetric war.

Fifty bodies roughly a day being picked up out of the river in Baghdad I mentioned. The situation was grim. Al Anbar province was so dangerous that a Member of Congress could not go in there just a little more than a year-and-a-half ago.

So I reviewed that, and went and visited those areas that I could at that time. This was Thanksgiving, a year ago last Thanksgiving. And I went back about seven months later, probably eight months later, at the end of July last year. Things had gotten better. When I couldn't go to al Anbar province during Thanksgiving of 2006, I could go in there in July of 2007, and I did. And I went to Ramadi and in fact received a briefing there from the Marine general that was commanding that region, all of al Anbar province, and saw the change that had taken place.

That is the famous Sunni awakening, the Sunni awakening that was triggered by the surge, the surge which made a commitment to the military operations in Iraq, that said to the Iraqis, we are here, we are with you, and we are not leaving.

When that happened, it triggered the Sunni awakening, and they decided they would throw their lot in with the side that was going to be the winner. They were tired of the tyranny and the brutality of al Qaeda, and they understood who it was and what kind of people they allowed in their midst. They turned the other way and decided to join with us and provide the intel and also lead a good number of the military missions to go in and purge al Qaeda from al Anbar province. That was happening while I was there a year ago last July, Mr. Speaker.

And as I looked at the map that showed the mosques and what they were preaching in their services in the mosques, there was a time when it was about a 90 percent anti-coalition message. By then, by a little over a year ago, it was a 60 percent neutral message, 40 percent pro-coalition message. No mosque that they had for record was preaching an anti-coalition, anti-American message. It was a significant sea change that was taking place there. When the Iraqis, the Sunni Iraqis came around on our side, they began to purge al Qaeda from their midst.

A little more than a year later, I went back, 13 months later to be more accurate, Mr. Speaker, and went into some of the same regions and met with the Marine unit that was there, a different commanding general there this time, this time General Kelly. What I saw was something that was even safer yet, and much improved, al Anbar province.

□ 2300

In those trips, I went shopping in downtown Ramadi. I went back to Fallujah. There was a time I couldn't

do that. Yet I'd been in Fallujah in June 2004. I wasn't able to go to Fallujah in 2006. It was too dangerous because al Qaeda owned al Anbar province, and they do not any longer. There are some traces of al Qaeda in the province, but they barely exist. They're in little camps out in the desert, and they're being mopped up by the Iraqi defense forces and by our defense forces as well, Mr. Speaker.

Now, 11 of 18 provinces in Iraq have been turned over to the Iraqis for primary security, and that 11th one just happened here this past week with al Anbar province being that large area. It's about a third the area of Iraq and the population only about 5 or 6 percent of it, but it was turned over to the Iraqis, 11 of 18 provinces. If you look at the map of those 11 of 18 provinces, there are those that are not yet turned over to the Iraqis for security. As to this incremental, one province at a time, if the security allows for that, those that are still under U.S. primary security responsibility are the provinces that are most likely to still have some al Qaeda in Iraq in them. They are being mopped up systematically. At the progress rate they were going, it looks to me like a year from now it's going to be hard to find "al Qaeda in Iraq" in Iraq. It looks like the progress that's being made is very, very positive. So there has been significant progress made there.

Civilian casualties are off more than 80 percent. Sectarian violence is measured this way by sectarian death. In Baghdad since mid-April, statistically, we don't have a single sectarian death on our charts. If you look at sectarian deaths in Iraq as a whole, in Iraq proper, there have been about a handful of sectarian deaths since mid-April till today. So, if you look at the line on the charts, that number was going on someplace over 2,000 in a matter of a limited period of time—and I believe it was a week—and I hesitate to say so specifically, Mr. Speaker, but that number on the chart goes up over 2,000, and now it goes down to zero on sectarian violence.

You see that measure. You look at American casualties in Iraq. There was a period of time for 7 weeks, from the 1st of July until into August—I think that date would be about August 18—where the combat deaths in Iraq were exactly the same as accidental deaths in Iraq for American troops. There were 15 accidental deaths and 15 hostile deaths that took place in Iraq on American troops. That's the measure that, I think, is the one that provides the most optimism for me when the relative risk to being, let's just say, in a Humvee wreck is equivalent to being shot by a sniper or from having an IED detonated in a fatal fashion. Those measures tell me that security is going up and that violence is going down dramatically. If you look at the charts on the attacks that are taking place, whether they be on Iraqi forces or on

U.S. coalition forces, all of those numbers are down. They're down to historically low levels, down to the levels where they were right after the liberation of Iraq that took place in March and in early April of 2003. That should give us great hope, Mr. Speaker.

The situation in Iraq today is not yet what we can call a victory, but it is, I believe, what we'll be able to look at to say we know what victory will look like from here if we can sustain these low levels of violence and if we can drive them down even further.

We have to remember that Iraq is a more violent country than we are here in the United States of America as a whole. So, traditionally, they've had more violence. They have more violence that comes from people settling scores, from having more grudge matches. They don't have the long tradition of the rule of law like we have in the United States.

I just came from a reception where I joined with Judge Juhi, who was one of the judges who sat in judgment of Saddam. Many of you will remember him—a youthful judge who was the first one to retort back to Saddam when Saddam asked him "Who appointed you?" Judge Juhi said, "You appointed me and I'm doing my job." This man is now in the United States, and I'm proud to have him here. I'm proud to welcome him here to the American soil. I met with him in Iraq. He showed courage. He stood up for the rule of law at great risk. I recall at least one judge who was killed in this. Judge Juhi did survive this and has come through it all, and that's the kind of courage that we're seeing in the Iraqi people as they step up to defend their own freedom, Mr. Speaker.

Some of these measures are this: The level of security in Iraq probably never gets down to the level of security in the United States. They're a different kind of people than we are. There are more violent countries in the world than Iraq as well, and I could name you a few of them. One of them is Colombia. Their numbers have gone down, but about 3 years ago, when I committed some of their violent numbers in the world to memory, they had about 63 violent deaths per 100,000. The most violent country in the world is Swaziland. There are 88 violent deaths per 100,000 in Swaziland. That sounds horrible to think of that, that 88 out of 100,000 would be killed in a year in a country like that. Well, in Iraq, their violent death rate is down around 23 per 100,000 today. It was 27.51 back in 2005. Today, it's 23 per 100,000, and that includes the violent deaths across the country.

I have been accused, Mr. Speaker, of laying out, roughly, 3 years ago statistics and that this was a false quote. It was not something that I'd said, but I was accused of saying that it was more dangerous for my wife to live in Washington, DC—this is in 2005—than it was to live in Baghdad. In 2005, Mr. Speaker, we didn't have legitimate numbers

on Baghdad's violent death rates, and so I didn't quote such a thing, but I can say today, Mr. Speaker, that now we do have legitimate statistics on Baghdad's violent death rates.

Mr. Speaker, I can tell you without hesitation that it is today more dangerous to live in Detroit than it is to live in Baghdad. It's safer to be in Baghdad than it is to be in Detroit. Do you know it's safer to be in Detroit than it is to be in Washington, DC, and it's safer to be in Washington, DC than it is to be in New Orleans, and it's more dangerous to be in New Orleans than it is to be in Swaziland? That puts it in perspective, Mr. Speaker.

The violent death rates go like this: 88 per 100,000 for Swaziland, 23 per 100,000 for Iraq, 41 per 100,000 for Detroit. I've got to guess at this number now because Washington, DC's numbers have gone down. They've gone down from, I think, about 46 per 100,000. That number is a little bit lower than that, but it's still above Detroit's at 41 per 100,000. New Orleans used to have a number of about 53 per 100,000. Post-Katrina, it has posted violent death rates of up to 90 violent deaths per 100,000. It's more dangerous in New Orleans than it is in Swaziland. It's more dangerous in Detroit than it is in Baghdad. It's more dangerous in Washington, DC than it is in Baghdad. That puts this all into perspective for us. As for the safety in the entire country of Iraq, aside from Baghdad averaged into that, it is still safer to live in Iraq than it is to live in Oakland, California, and it actually has been for some time. That's a sign of success. We see the film on the violence that comes constantly out of that part of the world, Mr. Speaker, but we ought to also pick up on some optimism because our troops have done their job.

The Iraqi Government is stepping up. They're sitting on a \$79 billion fund. I want to call it a surplus, but it really is not. They're having difficulty allocating those funds and in getting them out to the local political subdivisions and in getting them out to the Iraqi people. They don't have a tradition of anything except central command, and people are reluctant to make decisions for fear they will be accused of fraud or corruption. So, if you don't make a decision, you cannot be accused of doing very much, and that delay that's part of a culture of not having a delivery system is starting to cause some problems in Iraq, but it's the right kind of problem to have: \$79 billion and not being able to figure out quite how to spend it.

They need to develop their oil industry, Mr. Speaker. They had, I believe it was, five oil companies and six contracts that they had signed to ask these oil companies to bring their technical expertise into Iraq and to evaluate inventory—the wells inventory, the supply of untapped energy that they have and the inventory of the pipelines, the delivery system, the processing, the entire network of oil. These

companies were negotiated contracts. I understood they were no bid contracts. They would now be working on developing those oil fields in Iraq. Instead, Senator SCHUMER from New York, Senator MCCASKILL and, I believe, Senator KERRY from Massachusetts all lined up and signed a letter, criticizing the no bid contracts that Iraq had entered into.

The result of that was they pulled those contracts down, and Iraq has been set back another year on developing their oil. They're doing that at a time of record high oil prices. So the delay on this won't just be they don't get to sell that number of barrels of oil next year or the year after or the year after, but the profit that comes from high oil prices needed to be capitalized on. They're set back at least a year, Mr. Speaker, because of interference on the part of the United States Senate in the sovereign business of Iraq. We said we didn't go there for their oil. Why are we sticking our nose in that business? They wanted to award contracts to U.S. companies on a legitimate basis. Because they needed to move, they didn't have time to do bid contracts on this. They wanted to agree. They had the money. They could be working today, and they're not because of interference on the part of the United States Senate.

But Iraq is still moving forward, and they're producing more oil than ever before. They're producing more electricity than ever before. The oil is being refined in Baji, and it's going up the pipeline to the north and out to Turkey. It's also going down to Baghdad and on down to Basra, and it's being exported off of the two platforms that Iraq has out in the ocean. Their navy is patrolling those platforms and is providing security there. Progress is being made. There's a lot to be done in the country, but they do have an infrastructure, and they do have a tradition of education. They do sit on a lot of oil, and I believe they will for a long time be a moderate, Arab, prosperous ally to freedom in the Middle East. I'm hopeful that they will provide an inspiration for the Iranians to reach out and to grasp their own freedom in a fashion that the Iraqis have today.

That's Iraq, Mr. Speaker, and I'm encouraged by it, and I hope to be able to look back on this time and this date, perhaps, and see that the progress continues to be made and that the Iraqi people step up.

If there is anything that I'm concerned about there—and there are a number of things—it is that I'm concerned that the Iraqis are a little overconfident on their current military capability. I believe they undervalue American communications and American air cover and our backup firepower that we have and the logistics that support their operations, and so that's one of the concerns that I have about the Iraqis.

Another one would be, if Muqtada al-Sadr and the Iranians decided to light

it up again in Iraq, this could go south pretty fast. I don't think that al Qaeda can mount a tactical military approach again in Iraq under the situation they're in. They can do some terrorist attacks, but they can't do coordinated terrorist attacks of the magnitude they have done in the past. That's why the attacks and the violence have dropped off substantially, but you can see what victory can look like from where we are today in Iraq.

On the other hand, Mr. Speaker, Afghanistan is a bit of a different story. I went back to Afghanistan also a little over a week ago, and I traveled to the central and eastern and a little bit of the southern parts of the country in some regions that I hadn't been before—Kandahar. I traveled to the central and western parts of Afghanistan, to areas I hadn't been before. I had been to the east into the mountainous regions, to the northeast where the mountains go up pretty sheer, pretty vertically. It's sheer stone and rock, and there's not much going on with the exception of a little bit of civilization in the valleys. There are very narrow, little, green valleys with some vegetation.

I traveled west in Afghanistan, over to Kandahar, and then on down to a camp called Camp Bastion. The flight over that way is a different topography. It's mountainous, yes, but the mountains are simply dust all the way to the top with little valleys in between that are the narrowest slivers of green areas where there is some population that lives, Mr. Speaker. Then there are the high plains that lay out in a high plains desert. If you describe it in one word, Mr. Speaker, the prevailing situation in that part of Afghanistan—and it's a vast part of Afghanistan—is dust. There's dust everywhere. There's dust all the time. There's dust in the air. There's dust settling on everything. Actually, this is from Kabul all the way to the west as far as I've gone.

When you go through the market, you'll see the watermelons and tomatoes at this time of the year covered with dust that hovers in the air. The visibility is limited. There is meat hanging in open markets, some of it with the wrapping on it and some of it hanging out in the open, collecting dust from the air. Many times, our planes are grounded because the visibility is so low that they can't fly on or off the runway. There's dust everywhere.

□ 2315

And so dust is a prevailing piece. The roads, we built a ring highway around Iraq, and that is paved and that let's traffic get around the—excuse me—the ring highway around Afghanistan. And that's paved. It lets traffic go around that current in the ring highway, but the balance of the highways, with few exceptions, are dust, dirt, not gravel and not asphalt, not paving. They're dirt.

So in the summertime, this time of the year when the temperatures got to 125, it cooled off to 115 when we were there. Then the vehicles and any traffic, any animal traffic fills the air with dust. The wind blows and it fills the air with dust. Our troops get stuck in the dust. Their equipment will get stuck in the dust. It's that deep and that soft on some occasions.

And as the weather changes and we go into the winter time and the rainy season, then that dust turns to mud. And of course the equipment will be stuck in the mud instead of the dust. But the dusty covered mountains and the dust covered high plains going to the West from Kandahar on over, and looking across that countryside, and I asked the question of the veterans who were there that served for a long time in Afghanistan, do these mountains ever turn green? Do these high plains ever turn green? Is there vegetation that grows during a time of the season when it rains? And the answer is no. They just stay dust. And it's all dustier, except down in the narrow parts of the valleys where civilization goes up and down the valley. And that's of course where the Taliban travel, up and down the valley. And Helman Province is one of the places where we were.

Afghanistan produces 90 percent of the world's poppies for opium and heroin. And 90 percent of that, 80 percent of Afghanistan's poppies are raised in Helman Province. And so we were there.

It wasn't the poppy season. But the Taliban come up and they will front a crop and they'll say, here, I'll give you some money, half of what your crop is worth. Raise some poppies this year and I'll be back at harvest time to pick up the crop and I'll pay you the balance of what I owe you. We've got Taliban brokering, it's kind of like a farm bill or a banker; here's the front money, put your crop in, and we'll come back and collect the harvest of the opium crop that you have. We'll pay you the balance that we owe you and then they go back to Pakistan.

Taliban and al Qaeda will penetrate as far as they can go until they run into American troops, whether it's Marines in that area or Army troops in other areas. And there is far too much ranging of the enemy across that countryside. They've got too much freedom of movement. And yes, we're doing, I believe, as much as we can with the resources that we have there. But I look across at Pakistan, and up until a few days ago the leadership there was a jump ball. Yet, Pakistan is a sovereign sanctuary that neighbors Afghanistan.

I continually ask this question of our military historians, Mr. Speaker. Give me an example of an insurgency that was defeated by a foreign power, an insurgency that had a sovereign sanctuary to retreat and be resupplied and retrained and rearmed from. I've yet to get an answer to that question from any of our military historians as to

when a foreign power has defeated an insurgency, when those insurgents could retreat to another country that was a sanctuary. I don't believe it's ever happened in history.

So the situation that we're in today, Mr. Speaker, is, we either have to rewrite history, excuse me. We have to write new history. We have to write a new precedent for how to defeat a sovereign sanctuary that had, how to defeat an insurgency that has a sanctuary in a sovereign country. We either set new precedents for history, or we are slowly learning a bitter lesson of history. And today, Mr. Speaker, I don't know the answer to that question. It will be determined by history.

But at this point, I don't believe that we have a lot of options for September and October or November, except to maintain and limit the movement of our enemies there. There are at least nine different identifiable enemies there. I went through the list of enemies we had in Iraq a year and a half ago. The list of enemies is down now to where they barely exist there today.

But over in Afghanistan they list nine enemies for me and they call them the syndicate of enemies. I can't list them all from memory, but they include the Taliban and al Qaeda, seven other groups that are, most of them are camping in the mountains and training there and mounting their attacks from those locations where they believe that they are safe from American attacks. They aren't always. Sometimes we find an opportunity to strike a target in that region as well.

But with the unrest in Pakistan, with the new leadership that's just taken place there, with a presidential election coming up in this country, with resources that I believe need to be refurbished and reinforced in Afghanistan, this is the time that we begin to move on the political and the economic fronts until we can set the stage to eradicate that habitat that breeds terror in Pakistan.

It is a very tough nut to crack. It will be very difficult. I have said for years that we would be in Afghanistan longer than we'll be in Iraq. I said that because Afghanistan is closer to the stone age. They don't have the oil wealth that Iraq has. They don't have the prosperity. They have a Gross Domestic Product of \$7.5 billion, Mr. Speaker, and \$4 billion of that Gross Domestic Product is the poppies.

So I would submit that we should just simply remind Afghanistan, Afghan farmers, it's against the law to raise poppies, and we're going to enforce the law and it'll be Americans that do it if we need to. And as I had that discussion with some of the powers that be in that country, they said to me that the poppy crop in Afghanistan was the equivalent to, it was either one or two football fields wide all the way around the world. It would be impossible to go in and spray all those poppies.

And I brought up the fact that we've sprayed almost, we've sprayed most of

the acres of corn and soybeans in Iowa. And we did so in 6 weeks. And we have enough spray planes parked in the hangars in Iowa that that's the off season to go over there. I think that we could take care of the poppies in Afghanistan without breaking a sweat. Might get shot at a few times, but we would end that trade in opium that is funding our enemies.

This is a strange, strange war, Mr. Speaker, when we're paying an exorbitant price for oil, and that money goes into the pockets of people that don't like us very much. And some of it gets into the pockets of our enemy, called the Taliban and al Qaeda and a number of other enemies.

At the same time, the American demand for illegal drugs is funding the poppy trade in Afghanistan, along with the European demand for illegal drugs as well. They're tapping into that, and it's another place where we're funding our enemy. So we're paying for both sides of the war.

We're watching our economy atrophy because the cost of energy is going up and up and up while we're marching through this long hard slog.

As much optimism as I have for Iraq, as much caution as I lay out here for Afghanistan, I relate to that concern, Mr. Speaker, concern for Georgia. That was the last strategic stop on the trip, unless you count St. Paul, at the convention. And what I see in Georgia is this: I believe that—

Well, first, to take it to the Georgia situation, Mr. Speaker, I actually went in and Googled the exact quote so I could get right. Here's my recollection, and then I'll take it to the exact quote.

Back in the year I believe it was 1984 was the year, if I remember correctly, that Ambassador Jean Kirkpatrick stepped down as Ambassador to the United Nations. She was appointed by Ronald Reagan. She served there and served honorably and served well, and she left a legacy, but she decided it was time for her to leave that post. And so as she stepped down as Ambassador to the United Nations, I remember seeing an article, tiny little article on page 3 or 4 of the newspaper that I was reading at the time where it quoted her as saying that was going on in the Cold War was the equivalent of playing chess and Monopoly on the same board. The contest between the super power of the United States, super power of the Soviet Union, playing chess and Monopoly on the same board. And the question was, would we bankrupt the Soviet Union economically before they checkmate us militarily. Now that statement, and she sadly passed away a couple of years ago, Jean Kirkpatrick. But that statement was made by my recollection, 24 years ago. And it has often framed the viewpoint with which I look at this super power contest that's going on. And it really framed it when I watched the Berlin Wall begin to come down on November 9 of 1989, and it framed it more when the Soviet Union imploded, and I'll pick the date

December 31, 1991. We might call that the end of the Cold War, Mr. Speaker, but it was not to be.

Jean Kirkpatrick's exact quote, this is the way it shows up when you check it, as opposed to checking my 24-year-old memory, reads this. 1984. "Russia is playing chess while we are playing Monopoly. The only question is whether they will checkmate us before we bankrupt them." That was the statement that Ambassador Jean Kirkpatrick made in 1984. That's the statement I think illustrates what was going on then during the Cold War, and I think it's the statement that illustrates what's going on now in places like Georgia.

Putin has expressed that the most tragic thing that's happened in his lifetime was the collapse of the Soviet Union. And I would say, no, that marked the end of the Cold War. It was one of the best things that happened in my lifetime, perhaps the best thing that's happened globally in my lifetime. We see that differently.

He saw the Soviet Union as a power that perhaps needs to be reconstructed. And so when Putin came to power, we saw him consolidate his power and make his moves to negate legitimate elections, set himself so that he could be the power broker in Russia and really the true power in Russia.

We know that President Bush has said that when he looked in Putin's eyes he sees a friend. I understand the reasons for him saying that. But when JOHN MCCAIN said, when I look in his eyes I see KGB, and I think JOHN MCCAIN sees it clearly.

Putin is a KGB chess player, Mr. Speaker. And he saw what happened when the wall came down in 1989 and when the Soviet Union collapsed in the end of 1991. He saw that the Soviet Union had been bankrupted economically before they could checkmate the United States militarily. He saw that Jean Kirkpatrick's analysis was correct, and he saw it play out because we were better Monopoly players with our free market economy than the Soviet Union was chess players. We got there first because our economy was stronger. We upped the ante.

And by the way, we played chess on the board too. We had a military escalation. We built up our military, built up our troops. Ronald Reagan called for it. And he walked out of the nuclear missile negotiations in Reykjavik, Iceland he walked away from it, to the gasps of his own staff. And he went into Berlin and he said, Mr. Gorbachev, open this gate. Mr. Gorbachev, tear down this wall; and down it came. And down came the iron curtain, crashing with it. And the end of the Cold War on the last day of 1991 marked the end of the Soviet Union.

But Vladimir Putin has been putting this back together again. Humpty Dumpty fell off the wall and had a great fall. But Humpty Dumpty is being put back together again by Vladimir Putin.

And here's where this—now he's learned. Now, Mr. Speaker, he's learned this; that you can play chess or you can play Monopoly, but if you're going to be a master at this global hegemony that he is playing today, if you're looking for dominance and if you're looking to be a super power, then you have to play Monopoly and chess on the same board, and you have to do it masterfully.

So the Soviet Union's economy wasn't that strong. It's never been that dynamic. It's been focused on central planning, Mr. Speaker. But what has come along for them as a windfall because they happen to sit on a massive amount of the world's energy and the world's oil, and with high oil prices that went up to \$140 a barrel and perhaps more than that, Putin saw the cash come rolling in, so he didn't have to do a lot of smart things economically. All he had to do was keep producing oil, keep selling oil. And if he's doing that, then Russia is building up wealth and we're watching the West, the free world, we are energy consumers and we have energy deficits.

Europe, eastern and western Europe imports a lot of their own energy, natural gas and oil, and they import a lot of it from Russia. In fact, Europe imports 25 percent of their oil from Russia, and they import 40 percent of their natural gas from Russia.

So if Vladimir Putin can shut down the oil valve going into Europe, a huge oil pipeline coming into a free country means cheap energy. Energy is a component of every part of our economy. Everything that we buy and sell and trade, it takes energy to produce it, energy to deliver it, it takes energy to receive the delivery of it. It takes energy to heat our homes and our factories and air condition them and light them and get from place to place and manufacture and produce food, clothing, fiber, you name it. It all takes energy. And a nation that has an abundance of real cheap energy has a real big advantage over NATIONS that have only a little bit of energy. The high priced energy. And nations with costly energy cannot compete with other nations that have cheap energy, all other things being equal.

□ 2330

And so Putin knows that sitting there looking at this global chessboard, this global Monopoly board, simultaneously sitting on top of this oil, that if he can decide whether oil goes east or west, he can determine whether going to the east, whether China's economy prospers, or maybe the same oil going to the West, whether Eastern or Western Europe's economy prospers.

He built a Trans-Siberian pipeline to go to China to take Russian oil to China. And in Kazakhstan, they built an oil pipeline to take some of the massive amounts of oil they have in Kazakhstan into China. But from the same locations, Kazakhstan and that region—and here I have in this chart,

Mr. Speaker, I think I have got some of these countries, here is Kazakhstan—there's a significant amount of oil in this region here. Uzbekistan less oil, Turkmenistan even less. But this amount of oil in this region needs to come through.

There's a pipeline across the Caspian Sea, and then it comes from here into Georgia. This little country here, 4.6 million people, is Georgia. Tbilisi is where I was about a week ago, the capital of Georgia. This square right here is the square through which the pipelines across the Caspian Sea, the central Asian energy, oil and gas, if it's going to go to the west to get out through the Straits there at Istanbul and out into the Mediterranean and out into western Europe, it has to come through Georgia. Putin knows that.

He sits up here and in control of the Russian region looking at this oil that he has next door watching how it can be controlled, and it must come through Georgia. When I met with the Georgians, they said to me, "We always knew he was going to do this. We always knew the Russians would come in and occupy our country," because this square, Georgia, is the square on the chessboard where he can control whether this oil in this region comes into Europe or whether it goes on to the east on over to China, just off the chart here.

A pipeline exists to go from Kazakhstan to China. There's a pipeline that exists from Russia that goes on into Europe, several of them actually, and a pipeline from Russia that goes down into China, Mr. Speaker.

This is where the valve is right here. That's where he can turn it on and he can turn it off, and he can decide if it goes east or if it goes west. If it goes to the east to China, their economy prospers; if it shuts off the oil going to the West, these economies in Europe atrophy.

If he can team up down here with Ahmadinejad and the Straits of Hormuz, and they can threaten to—or close the Straits of Hormuz, they can also decide whether oil goes to the West, the free world, the Western Hemisphere, or whether it is stuck up in here in the Middle Eastern region. That is a powerful position to be in.

If he continues to build this triumvirate—which is, I believe, Putin, Ahmadinejad, and Hugo Chavez—Chavez's oil, he can shut that off as well. He can decide whether to sell it or not and who's going to get it.

So if you put those three guys at the same table, Putin, Ahmadinejad and Hugo Chavez, they would have control—presuming the Straits of Hormuz could be shut down by the Iranians or with Russian help—they would have control of more than 50 percent of the world's export oil supply. They could decide oil prices for the world: running them up, allowing them to go down and/or they could decide whether that oil actually goes to those economies.

They could decide whether the free world's economy would atrophy or whether it would prosper.

If you're in a position like that and you've had the lesson that Putin has had, he lost the Monopoly game and he checkmated his chess game, because their economy collapsed. He's learned the lesson. Now he's playing Monopoly and he's playing chess, and he's sitting on this square in Georgia. He's sitting on a massive amount of oil. He has a diabolical plan, and we're Americans sitting here naively arguing that well, we don't want to develop any American energy.

Mr. Speaker, we must open up all American energy now. Every form. It's imperative. Whether we're going to be a superpower 10 or 20 years from now depends on the decisions we make in this Congress today. All energy all the time. Drill ANWR, drill the Outer Continental Shelf, develop the oil from the oil shale areas in the West, open up all of our natural gas. Let's do coal, let's do nuclear, let's do ethanol, let's do biodiesel, let's do wind, let's do solar, all forms of American energy.

Let's save our freedom, Mr. Speaker.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SENSENBRENNER (at the request of Mr. BOEHNER) for today until 2:30 p.m. 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 Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. KAGEN, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. LATTA, for 5 minutes, today.

Mr. POE, for 5 minutes, September 17.

Mr. JONES, for 5 minutes, September 17.

Mr. KELLER of Florida, for 5 minutes, today.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.

Mr. WOLF, for 5 minutes, September 11 and 12.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. HALL of New York, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, September 11, 2008, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8183. A letter from the Captain, U.S. Navy Deputy Chief of Legislative Affairs, Department of Defense, transmitting notice of the completion of a public-private competition for administrative support services, pursuant to 10 U.S.C. 2462(a); to the Committee on Armed Services.

8184. A letter from the Principal Deputy, Department of Defense, transmitting authorization of Daryl W. Burke, Scott M. Hanson and Jeffrey G. Lofgren to wear the authorized insignia of the grade of brigadier general, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

8185. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting a report concerning an amendment to Part 121 of the International Traffic in Arms Regulations (ITAR), promulgated pursuant to the Arms Export Control Act, 22 U.S.C. 2778 et seq.; to the Committee on Foreign Affairs.

8186. A letter from the Under Secretary of Defense, Department of Defense, transmitting the Department's Year 2007 Inventory of Commercial Activities, as required by the Federal Activities Reform Act of 1997, Pub. L. 105-270; to the Committee on Oversight and Government Reform.

8187. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the Board's report entitled, "Federal Appointment Authorities: Cutting through the Confusion," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Oversight and Government Reform.

8188. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the 2006 Annual Report of the National Institute of Justice (NIJ), pursuant to 42 U.S.C. 3766(c) and 3789e; to the Committee on the Judiciary.

8189. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's quarterly report from the Office of Privacy and Civil Liberties as required by section 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. 110-53, 121 Stat. 266, 360; to the Committee on the Judiciary.

8190. A letter from the Program Analyst, Department of Agriculture, transmitting the Department's final rule — Airworthiness Standards; Engine Bird Ingestion [Docket No.: FAA-2006-25375; Amendment No. 33-23] (RIN: 2120-A173) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8191. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Maine; Sector Northern New England August Swim Events. [Docket No. USCG-2008-0695] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8192. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, 2008 Personal Watercraft Challenge, Atlantic Ocean, Fort Lauderdale, FL [Docket No. USCG-2008-0433] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8193. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area and Safety Zone, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No. USCG-2008-0470] (RIN: 1625-AA11) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8194. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Carly's Crossing, Lake Erie, Buffalo, NY [Docket No. USCG-2008-0739] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8195. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Seafair Fireworks, Lake Washington, Washington [Docket No. USCG-2008-0732] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8196. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone: Astoria Regatta Assoc. Display, Astoria, Oregon. [Docket No. USCG-2008-0726] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8197. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone: Red Bull Flugtag, Portland, Oregon. [Docket No. USCG-2008-0725] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8198. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Patapsco River, Inner Harbor, Baltimore, MD [Docket No. USCG-2008-0392] (RIN: 1625-AA08) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8199. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Cape Fear Dragon Boat Festival; Wilmington, NC [Docket No. USCG-2008-0789] (RIN: 1625-AA08) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8200. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of

Homeland Security, transmitting the Department's final rule — Special Local Regulation; Chris Craft Silver Cup Regatta, St. Clair River, Algonac, MI [Docket No. USCG-2008-0763] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8201. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks, Beverly, MA [Docket No. USCG-2008-0349] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8202. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Annual Events Requiring Safety Zones in the Captain of the Port Detroit Zone [USCG-2008-0218] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8203. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone: LST-1166 Safety Zone, Southeastern Tip of Lord Island, Columbia River, Rainier, Oregon. [Docket No. USCG-2008-0755] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8204. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; American Music Festival; Chesapeake Bay, Virginia Beach, VA [USCG-2008-0759] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8205. A letter from the Administrator, Bureau of Transportation Statistics, Department of Transportation, transmitting the Transportation Statistics Annual Report 2007, pursuant to 49 U.S.C. 111(l); to the Committee on Transportation and Infrastructure.

8206. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas S.A. (CASA), Model C-212 Airplanes [Docket No. FAA-2007-0372; Directorate Identifier 2007-NM-164-AD; Amendment 39-15425; AD 2008-06-13] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8207. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11, MD-11F, DC-10-30 and DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, and MD-10-30F Airplanes [Docket No. FAA-2007-28351; Directorate Identifier 2007-NM-074-AD; Amendment 39-15192; AD 2007-19-02] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8208. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model A109C, A109E, and A109K2 Helicopters [Docket No. FAA-2008-0524; Directorate Identifier 2007-SW-77-AD; Amendment 39-15519; AD 2007-26-52] (RIN: 2120-AA64) received August 19, 2008,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8209. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727-200 Series Airplanes Equipped with an Auxiliary Fuel Tank System Installed in Accordance with Supplemental Type Certificate SA1350NM [Docket No. FAA-2008-0013; Directorate Identifier 2007-NM-230-AD; Amendment 39-15448; AD 2008-07-07] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8210. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes [Docket No. FAA-2008-0412; Directorate Identifier 2007-NM-290-AD; Amendment 39-15327; AD 90-25-05 R1] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8211. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Airplanes Equipped with Rolls Royce RB211-535E Engines [Docket No. FAA-2007-0225; Directorate Identifier 2007-NM-210-AD; Amendment 39-15583; AD 2008-13-20] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8212. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, 747-400D, and 747-400F Series Airplanes [Docket No. FAA-2006-26110; Directorate Identifier 2006-NM-112-AD; Amendment 39-15585; AD 2008-13-22] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8213. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; ATR Model ATR42-200, -300, -320, -500 Airplanes; and Model ATR72-101, -201, -102, -202, -211, -212, and -212A Airplanes [Docket No. FAA-2008-0293; Directorate Identifier 2007-NM-287-AD; Amendment 39-15582; AD 2008-13-19] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8214. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. (JHC-)(2,3)Y(K,R)-2 Two-and Three-Bladed Compact Series Propellers [Docket No. FAA-2008-0254; Directorate Identifier 2008-NE-06-AD; Amendment 39-15591; AD 2008-13-28] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8215. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and A340 Airplanes [Docket No. FAA-2007-0347; Directorate Identifier 2007-NM-253-AD; Amendment 39-15437; AD 2008-06-25] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8216. 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 Approved for Extended-Range Twin-Engine Operational Performance Standards (ETOPS) [Docket No. FAA-2008-0673; Directorate Identifier 2008-NM-117-AD; Amendment 39-15606; AD 2008-14-11] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8217. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 Airplanes and Model A340-200 and -300 Series Airplanes [Docket No. FAA-2007-0266; Directorate Identifier 2007-NM-170-AD; Amendment 39-15576; AD 2008-13-13] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8218. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 900 and Falcon 900EX Airplanes [Docket No. FAA-2008-0365; Directorate Identifier 2007-NM-274-AD; Amendment 39-15563; AD 2008-12-19] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8219. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 20-C5, 20-D5, and 20-E5 Airplanes [Docket No. FAA-2008-0296; Directorate Identifier 2007-NM-307-AD; Amendment 39-15567; AD 2008-13-04] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8220. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lindstrand Balloons Ltd. Models 42A, 56A, 60A, 69A, 77A, 90A, 105A, 120A, 150A, 180A, 210A, 240A, 260A, and 310A Balloons [Docket No. FAA-2008-0446; Directorate Identifier 2008-CE-021-AD; Amendment 39-15568; AD 2008-13-05] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8221. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. FAA-2008-0275; Directorate Identifier 2007-NM-335-AD; Amendment 39-15565; AD 2008-13-02] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8222. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400, 747-400D, and 747-400F Series Airplanes [Docket No. FAA-2008-0273; Directorate Identifier 2007-NM-369-AD; Amendment 39-15566; AD 2008-13-03] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8223. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 7X Airplanes [Docket No. FAA-2008-0641; Directorate Identifier 2008-NM-105-AD; Amendment 39-15573; AD 2008-13-10] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8224. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Corp. (P&WC) Models PW305A and PW305B Turbofan Engines [Docket No. FAA-2008-0664; Directorate Identifier 2008-NE-04-AD; Amendment 39-15579; AD 2008-13-16] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8225. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135ER, -135KE, -135KL, and -135LR Airplanes, and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2008-0182; Directorate Identifier 2007-NM-262-AD; Amendment 39-15577; AD 2008-13-14] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8226. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135BJ Airplanes [Docket No. FAA-2008-0194; Directorate Identifier 2007-NM-263-AD; Amendment 39-15578; AD 2008-13-15] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8227. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2008-0360; Directorate Identifier 2007-NM-368-AD; Amendment 39-15570; AD 2008-13-07] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8228. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificates No. 3A15, No. 3A16, No. A23CE, and No. A30CE previously held by Raytheon Aircraft Company) F33 Series and Models G33, V35B, A36, A36TC, B36TC, 95-B55, D55, E55, A56TC, 58, 58P, 58TC, G58, and 77 Airplanes [Docket No. FAA-2007-28434; Directorate Identifier 2007-CE-053-AD; Amendment 39-15580; AD 2008-13-17] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8229. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 Airplanes [Docket No. FAA-2008-0297; Directorate Identifier 2007-NM-330-AD; Amendment 39-15586; AD 2008-13-23] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8230. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2008-0178; Directorate Identifier 2007-NM-366-AD; Amendment 39-15571; AD 2008-13-08] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8231. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, and -400ER Series Airplanes [Docket No. FAA-2008-0012; Directorate Identifier 2007-NM-204-AD; Amendment 39-15584; AD 2008-13-21] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8232. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Safety Zone; Bollotta & Associates USS Midway Fireworks Display; San Diego Harbor, San Diego, California [Docket No. USCG-2008-0720] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8233. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30615; Amdt. No. 475] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8234. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30616; Amdt. No. 3276] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8235. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Low Altitude Area Navigation Route (T-Route); Southwest Oregon [Docket No. FAA-2008-0038; Airspace Docket No. 07-ANM-16] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8236. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lewisburg, PA [Docket No. FAA-2007-0276; Airspace Docket No. 07-AEA-16] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8237. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lady Lake, FL [Docket No. FAA-2008-0072; Airspace Docket No. 08-ASO-03] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8238. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Cranberry Township, PA. [Docket No. FAA-2007-0278; Airspace Docket No. 07-AEA-18] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8239. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; Brunswick, ME [Docket No. FAA-2008-0203; Airspace Docket No. 08-ANE-99] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8240. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Marienville, PA. [Docket No. FAA-2007-0162; Airspace Docket No. 07-AEA-13] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8241. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Sunbury, PA [Docket No. FAA-2008-0162; Airspace Docket No. 08-AEA-15] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8242. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment

of Class E Airspace; Susquehanna, PA [Docket No. FAA-2008-0161; Airspace Docket No. 08-AEA-14] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8243. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Danville, KY [Docket No. FAA-2007-0246; Airspace Docket No. 07-ASO-26] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8244. A letter from the Attorney Advisor Regulations and Administrative Law United States Coast Guard, DHS, Department of Transportation, transmitting the Department's final rule — Safety Zone; 70th Anniversary Celebration for the Thousand Island International Bridge, St. Lawrence River, Alexandria Bay, NY. [Docket No. USCG-2008-0742] (RIN: 1625-AA00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8245. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30582; Amdt. No. 471] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8246. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30618; Amdt. No. 3278] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8247. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30614; Amdt. No. 3275] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8248. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30592; Amdt. No. 3255] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8249. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30581; Amdt. No. 3246] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8250. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30584; Amdt. No. 3248] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8251. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Damage Tolerance Data for Repairs and Alterations [Docket No. FAA-2005-21693; Amendment Nos. 26-1, 121-337, 129-44] (RIN: 2120-AI32) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8252. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Change in Extinguishing Agent Container Requirements [Docket No.: FAA-2007-26969; Amendment Nos. 121-331 and 135-109] (RIN: 2120-AI99) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8253. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30617; Amdt. No. 3277] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8254. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30613; Amdt. No. 3274] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8255. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Hinton, OK [Docket No. FAA-2008-0328; Airspace Docket No. 08-ASW-4] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8256. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30619; Amdt. No. 3279] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LEWIS of Georgia (for himself and Mr. RAMSTAD):

H.R. 6854. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements from gross income; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself, Mr. CONYERS, Mr. BERMAN, and Mr. COBLE):

H.R. 6855. A bill to extend the authority for the United States Supreme Court Police to protect court officials off the Supreme Court grounds, and for other purposes; to the Committee on the Judiciary.

By Mr. YARMUTH (for himself and Mr. LAHOOD):

H.R. 6856. A bill to amend the Elementary and Secondary Education Act of 1965 and the Workforce Investment Act of 1998 to award grants to prepare individuals for the 21st century workplace and to increase America's global competitiveness, and for other purposes; to the Committee on Education and Labor.

By Mr. CANNON:

H.R. 6857. A bill to amend section 203(a) of the Clean Air Act to permit the conversion of a motor vehicle for the use of natural gas fuel, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CANNON (for himself, Mr. SMITH of Texas, Mr. CONYERS, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 6858. A bill to amend title 5, United States Code, to make amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Georgia (for himself, Mr. WESTMORELAND, Mr. JOHNSON of Georgia, Mr. DEAL of Georgia, Mr. LEWIS of Georgia, Mr. BROUN of Georgia, Mr. SCOTT of Georgia, Mr. LINDER, Mr. BARROW, Mr. GINGREY, Mr. MARSHALL, Mr. PRICE of Georgia, and Mr. KINGSTON):

H.R. 6859. A bill to designate the facility of the United States Postal Service located at 1501 South Slappey Boulevard in Albany, Georgia, as the "Dr. Walter Carl Gordon, Jr. Post Office Building"; to the Committee on Oversight and Government Reform.

By Mrs. BLACKBURN:

H.R. 6860. A bill to exempt exploration, development, and production of oil and natural gas under leases on Federal lands from State environmental and pollution control laws, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa:

H.R. 6861. A bill to amend the Fair Labor Standards Act of 1938 to increase the penalty for certain child labor violations; to the Committee on Education and Labor.

By Mr. BROWN of South Carolina:

H.R. 6862. A bill to reauthorize the Marine Turtle Conservation Act of 2004; to the Committee on Natural Resources.

By Mr. HENSARLING:

H.R. 6863. A bill to prevent Government shutdowns; to the Committee on Appropriations.

By Mr. KING of Iowa (for himself, Mr. WALBERG, Mr. FORTENBERRY, Mr. AKIN, Ms. FOX, Mr. GARRETT of New Jersey, and Mr. BACHUS):

H.R. 6864. A bill to prohibit golden parachute payments for former executives and directors of Fannie Mae and Freddie Mac; to the Committee on Financial Services.

By Mr. KIRK:

H.R. 6865. A bill to award a congressional gold medal to Joseph Barnett Kirsner, M.D., Ph.D., in recognition of his many outstanding contributions to the Nation; to the Committee on Financial Services.

By Mr. KUHL of New York:

H.R. 6866. A bill to direct the Secretary of the Interior to conduct a special resource study to evaluate the significance of the Newtown Battlefield located in Chemung County, New York, and the suitability and feasibility of its inclusion in the National Parks System, and for other purposes; to the Committee on Natural Resources.

By Mr. MCDERMOTT (for himself and Mr. RANGEL):

H.R. 6867. A bill to provide for additional emergency unemployment compensation; to the Committee on Ways and Means.

By Mr. ROSKAM:

H.R. 6868. A bill to provide for the development of advanced and alternative energy and increased domestic energy production to achieve American energy independence in 15 years; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, Natural Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in

each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CORRINE BROWN of Florida (for herself and Mr. BRADY of Pennsylvania):

H. Res. 1423. A resolution congratulating Master Wan Ko Yee, a permanent resident of the United States, on the publication of his teachings and accomplishments in the book titled, "H.H. Dorje Chang Buddha III: A Treasury of True Buddha-Dharma"; to the Committee on Foreign Affairs.

By Mr. ELLISON (for himself and Ms. JACKSON-LEE of Texas):

H. Res. 1424. A resolution supporting humanitarian assistance, the protection of civilians, and accountability for abuses in Somalia, and urging concrete progress in line with the Transitional Federal Charter of Somalia toward the establishment of a viable government of national unity; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII,

366. The SPEAKER presented a memorial of the 29th Legislature of Guam, relative to support for Resolution 172 I Mina Bente Nuebi Na Liheslaturan Guahan for the Agent Orange Equity Act; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mrs. BACHMANN.
 H.R. 211: Mr. BILBRAY.
 H.R. 219: Mr. ROSKAM and Mr. TERRY.
 H.R. 471: Mr. SCALISE.
 H.R. 503: Mr. DENT.
 H.R. 697: Mr. MARCHANT.
 H.R. 715: Mr. MCGOVERN, Mr. FARR, and Mr. MICHAUD.
 H.R. 946: Mr. ALLEN and Mr. HARE.
 H.R. 992: Mr. MCGOVERN.
 H.R. 1014: Mr. UPTON.
 H.R. 1524: Mr. CHILDERS.
 H.R. 1576: Mr. ROTHMAN.
 H.R. 1621: Mr. KIND.
 H.R. 1820: Mr. NADLER, Mr. SCOTT of Virginia, Mr. LANGEVIN, Mr. ALLEN, Ms. DELAURO, Mr. GRIJALVA, Mr. INSLEE, Ms. CASTOR, Mr. DEFAZIO, Mr. WALZ of Minnesota, and Mr. SMITH of Washington.
 H.R. 1843: Mr. SAXTON.
 H.R. 2015: Ms. SPEIER.
 H.R. 2020: Mr. FEENEY, Mr. DENT, and Mr. ALTMIRE.
 H.R. 2032: Mr. ALTMIRE.
 H.R. 2066: Ms. DELAURO.
 H.R. 2116: Mr. MORAN of Kansas.
 H.R. 2232: Mr. INSLEE.
 H.R. 2266: Mr. WALZ of Minnesota.
 H.R. 2279: Mr. HOEKSTRA and Mr. GOODE.
 H.R. 2668: Mr. MCINTYRE.
 H.R. 2842: Mr. MILLER of North Carolina.
 H.R. 2864: Mr. SHAYS.
 H.R. 2993: Ms. KAPTUR.
 H.R. 3041: Mr. MOORE of Kansas.
 H.R. 3232: Mr. LAMBORN, Ms. MATSUI, Mr. LAMPSON, Ms. HERSETH SANDLIN, and Ms. ESHOO.
 H.R. 3257: Mr. BLUMENAUER.
 H.R. 3319: Mr. MCGOVERN and Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 3326: Ms. DELAURO, Ms. CASTOR, Mr. KLEIN of Florida, and Mr. DEFAZIO.
 H.R. 3334: Mr. TIM MURPHY of Pennsylvania, Ms. WOOLSEY, and Mr. MCINTYRE.
 H.R. 3544: Mrs. EMERSON.
 H.R. 3622: Mr. BARRETT of South Carolina.

H.R. 3689: Mr. FRANK of Massachusetts, Mr. CAPUANO, Mr. ALTMIRE, and Ms. SHEA-POR-TER.
 H.R. 3737: Mr. REYES.
 H.R. 3749: Mr. BLUMENAUER.
 H.R. 3820: Mr. JONES of North Carolina.
 H.R. 3865: Ms. DELAURO.
 H.R. 3929: Ms. BERKLEY, Mr. HOLT, Mrs. BIGGERT, and Mr. PLATTS.
 H.R. 4052: Mr. MCINTYRE.
 H.R. 4102: Ms. LEE.
 H.R. 4105: Mr. CHILDERS and Mr. RUSH.
 H.R. 4107: Mr. SHAYS.
 H.R. 4296: Mr. MILLER of North Carolina.
 H.R. 4464: Mr. GARY G. MILLER of California.
 H.R. 4544: Ms. WATSON, Ms. KAPTUR, Mr. HIGGINS, Mrs. TAUSCHER, Mr. CUMMINGS, Mr. COSTELLO, Mr. CARSON, Mr. COHEN, Mr. CRENSHAW, Mr. DOGGETT, Ms. LINDA T. SANCHEZ of California, Mr. STARK, Mr. KELLER, Mr. ELLISON, Mr. MORAN of Kansas, Mr. SIREN, Mr. OLVER, Mr. BUTTERFIELD, Mr. SESSIONS, Mr. BRALEY of Iowa, Mr. MCNULTY, Mr. HODES, Mr. COURTNEY, Mr. GEORGE MILLER of California, Ms. HOOLEY, Mr. CLEAVER, Mr. MEEK of Florida, Mr. SALAZAR, Mr. WOLF, Mr. MAHONEY of Florida, Mr. RUPPERSBERGER, Mr. WILSON of South Carolina, Mr. RYAN of Wisconsin, Mr. WAMP, Mr. CALVERT, Mr. PATRICK MURPHY of Pennsylvania, Ms. TSONGAS, Mrs. BACHMANN, Mr. KLINE of Minnesota, Mr. ROTHMAN, Mr. FERGUSON, Mr. HELLER, and Mr. NUNES.
 H.R. 5180: Mr. GRAVES.
 H.R. 5268: Ms. HARMAN.
 H.R. 5626: Mr. BLUMENAUER.
 H.R. 5673: Mr. ALEXANDER.
 H.R. 5686: Mr. HARE.
 H.R. 5714: Mrs. LOWEY, Mr. BARRETT of South Carolina, Mrs. MILLER of Michigan, Mr. SPRATT, Mr. MAHONEY of Florida, Mr. BROWN of South Carolina, Mr. PLATTS, Mr. LARSEN of Washington, Mr. BOUCHER, Mr. PAYNE, Mr. MANZULLO, Mr. WU, Mr. ENGEL, Mr. STUPAK, and Mr. RUPPERSBERGER.
 H.R. 5793: Mr. MACK, Mr. LAMBORN, Mr. CULBERSON, Mr. BOUSTANY, and Mr. WITTMAN of Virginia.
 H.R. 5854: Mr. MCGOVERN, Mr. KLEIN of Florida, Mr. MICHAUD, Mr. YOUNG of Florida, and Mr. FILNER.
 H.R. 5905: Mr. CULBERSON.
 H.R. 5950: Ms. ROS-LEHTINEN.
 H.R. 5951: Mr. LIPINSKI.
 H.R. 6020: Mr. BACA.
 H.R. 6029: Ms. LEE.
 H.R. 6045: Ms. HIRONO and Mr. MEEKS of New York.
 H.R. 6066: Mr. ACKERMAN, Mrs. MALONEY of New York, and Mr. GRIJALVA.
 H.R. 6072: Mr. LANGEVIN.
 H.R. 6126: Mr. BERMAN and Mr. STARK.
 H.R. 6139: Mr. HELLER.
 H.R. 6151: Ms. MCCOLLUM of Minnesota, and Mr. LIPINSKI.
 H.R. 6172: Mr. BERRY and Mr. DEFAZIO.
 H.R. 6259: Mr. NADLER.
 H.R. 6287: Mr. MAHONEY of Florida.
 H.R. 6288: Mr. FEENEY.
 H.R. 6368: Mr. FEENEY.
 H.R. 6373: Mr. LATTI.
 H.R. 6375: Ms. WOOLSEY.
 H.R. 6379: Mr. ROHRBACHER.
 H.R. 6407: Ms. WOOLSEY.
 H.R. 6444: Ms. MCCOLLUM of Minnesota.
 H.R. 6453: Mrs. CUBIN.
 H.R. 6462: Mr. POE.
 H.R. 6491: Mr. KLINE of Minnesota.
 H.R. 6520: Ms. BORDALLO and Mr. ISRAEL.
 H.R. 6559: Mr. LIPINSKI.
 H.R. 6562: Mr. FRANK of Massachusetts, Mr. ORTIZ, and Mr. ROGERS of Alabama.
 H.R. 6566: Ms. GINNY BROWN-WAITE of Florida and Mr. LEWIS of California.
 H.R. 6567: Mr. BISHOP of Utah.
 H.R. 6568: Mr. PRICE of North Carolina.
 H.R. 6577: Mr. TIBERI.

H.R. 6581: Mr. ROSS and Ms. CORRINE BROWN of Florida.
 H.R. 6591: Mr. SALAZAR, Mrs. MUSGRAVE, Mr. TANCREDO, and Mr. LAMBORN.
 H.R. 6598: Mr. RANGEL, Mr. ISRAEL, Mr. JOHNSON of Georgia, Ms. MCCOLLUM of Minnesota, Mr. SHERMAN, Mr. WU, Ms. MOORE of Wisconsin, Mr. RUPPERSBERGER, Mr. LIPINSKI, Mr. LEWIS of Georgia, Mr. MOORE of Kansas, Mr. GERLACH, Mr. BISHOP of New York, Ms. HIRONO, and Mr. RYAN of Ohio.
 H.R. 6611: Mr. MAHONEY of Florida.
 H.R. 6613: Mr. PAYNE.
 H.R. 6617: Mr. Fortuño, Mr. SIREN, Ms. LEE, Mr. FRANK of Massachusetts, Mr. FILNER, and Mr. BACA.
 H.R. 6625: Ms. SOLIS, Mr. LEVIN, Ms. WOOLSEY, Mr. LARSON of Connecticut, Ms. BEAN, Mrs. LOWEY, Mr. MARSHALL, Mr. WALZ of Minnesota, Mr. PASTOR, Mr. AL GREEN of Texas, Mr. SMITH of Washington, Ms. SCHAKOWSKY, Mr. JOHNSON of Georgia, Mr. WAXMAN, Mr. BLUMENAUER, Mr. DOGGETT, Mr. ELLISON, and Mr. YARMUTH.
 H.R. 6636: Ms. WOOLSEY.
 H.R. 6662: Mr. HINCHEY, Ms. WOOLSEY, Mr. BISHOP of New York, and Mr. MCDERMOTT.
 H.R. 6680: Mr. RANGEL and Mr. FRANK of Massachusetts.
 H.R. 6686: Mr. MCGOVERN and Mrs. LOWEY.
 H.R. 6691: Mr. PUTNAM, Mrs. MUSGRAVE, Mr. TANCREDO, Mr. PLATTS, Mr. MILLER of Florida, Mr. BISHOP of Utah, Mr. LEWIS of California, Mr. BOOZMAN, Mrs. MILLER of Michigan, Ms. GINNY BROWN-WAITE of Florida, Mr. SIMPSON, Ms. FOX, Mr. WELDON of Florida, and Mr. FEENEY.
 H.R. 6696: Mr. BARTON of Texas, Mr. SULLIVAN, Mrs. SCHMIDT, Mrs. CUBIN, Mr. GOODE, Mrs. MYRICK, Mr. SHADEGG, Mr. CANTOR, Mr. PENCE, Mr. KLINE of Minnesota, Mr. WALBERG, Mr. LUCAS, Mr. DOOLITTLE, Mr. CHABOT, Ms. FALLIN, Mr. LAMBORN, Mr. WELDON of Florida, Mr. GINGREY, Mr. BONNER, Mr. PRICE of Georgia, Mr. BROWN of South Carolina, Mrs. MUSGRAVE, Mr. BRADY of Texas, Mr. NEUGEBAUER, Mr. MARCHANT, Mr. MCHENRY, Mrs. BACHMANN, and Mr. SCALISE.
 H.R. 6709: Mr. JEFFERSON, Mr. PETRI, Mr. HARE, and Mr. MITCHELL.
 H.R. 6747: Mr. POE.
 H.R. 6783: Mr. WELDON of Florida.
 H.R. 6788: Mr. WITTMAN of Virginia and Mr. BROWN of South Carolina.
 H.R. 6798: Mr. MCINTYRE.
 H.R. 6817: Mr. KAGEN and Mrs. BOYDA of Kansas.
 H.R. 6846: Mr. DAVIS of Illinois and Mrs. MCCARTHY of New York.
 H.J. Res. 12: Mr. KUHL of New York.
 H.J. Res. 36: Ms. JACKSON-LEE of Texas and Mr. CLEAVER.
 H. Con. Res. 22: Mr. KUCINICH.
 H. Con. Res. 40: Mr. BARTLETT of Maryland and Mr. TERRY.
 H. Con. Res. 81: Mr. CUMMINGS and Mrs. EMERSON.
 H. Con. Res. 341: Mr. HASTINGS of Washington, Mr. PERLMUTTER, Mr. PASCRELL, and Mr. COURTNEY.
 H. Con. Res. 378: Mrs. DRAKE, Mr. BROWN of South Carolina, Ms. ROS-LEHTINEN, Mr. BOUSTANY, Mr. WHITFIELD of Kentucky, Mrs. CAPP, Mr. RUPPERSBERGER, Mr. ISSA, Ms. FALLIN, Mr. GRIJALVA, Mr. SHIMKUS, Mrs. SCHMIDT, Mr. SHADEGG, Mr. CANTOR, Mr. PENCE, Mr. LUCAS, Mr. DOOLITTLE, Mrs. MUSGRAVE, Mr. SULLIVAN, Mr. GOODE, Mr. MARCHANT, Mr. WELDON of Florida, Mr. GINGREY, Mr. BONNER, Mr. BRADY of Texas, Mrs. BACHMANN, Mr. BARTON of Texas, Mr. NEUGEBAUER, Mr. RADANOVICH, and Mr. WALDEN of Oregon.
 H. Con. Res. 405: Mrs. EMERSON and Mr. ABERCROMBIE.
 H. Con. Res. 409: Mr. MCCOTTER.
 H. Res. 598: Mr. MCINTYRE.

H. Res. 757: Mr. HOLT.
 H. Res. 1064: Mr. PAYNE, Mr. CARSON, Mr. DENT, and Mr. GERLACH.
 H. Res. 1200: Mr. CONAWAY, Mr. BISHOP of New York, Mr. LYNCH, Mr. BERRY, and Ms. GINNY BROWN-WAITE of Florida.
 H. Res. 1217: Mr. GRIJALVA, Mr. KENNEDY, and Mr. McDERMOTT.
 H. Res. 1232: Mr. MCHUGH.
 H. Res. 1272: Mr. SMITH of New Jersey, Mrs. CUBIN, Ms. BORDALLO, and Ms. KAPTUR.
 H. Res. 1303: Mrs. MUSGRAVE.
 H. Res. 1310: Mr. TOWNS.
 H. Res. 1333: Ms. CLARKE, Mr. CARNAHAN, Mr. CLAY, Mrs. NAPOLITANO, Mr. SHULER, Mr. TANNER, Mr. BOYD of Florida, Mr. WALZ of Minnesota, Ms. SCHWARTZ, Mr. LEWIS of Georgia, Mr. MICHAUD, Mr. MITCHELL, Mr. CHILDERS, Mr. BOSWELL, Mr. POMEROY, Mr. HOLDEN, Mr. BARROW, Mr. SHIMKUS, Mr. EMANUEL, Mr. STUPAK, Mr. WEXLER, Mrs. MCCARTHY of New York, Ms. BORDALLO, Mr. FILNER, Ms. TSONGAS, Mr. BERMAN, and Ms. VELÁZQUEZ.

H. Res. 1364: Mr. ABERCROMBIE, Mr. BOUSTANY, Mrs. BOYDA of Kansas, Mr. ROGERS of Kentucky, Mr. BRADY of Pennsylvania, Mr. TURNER, Mr. CONAWAY, Mr. COOPER, Mr. GINGREY, Mr. KLINE of Minnesota, Mr. LEWIS of Kentucky, Mr. BISHOP of Georgia, Mr. SAXTON, and Mr. LATHAM.
 H. Res. 1377: Mr. HONDA and Mr. GILCHREST.
 H. Res. 1397: Mr. MICHAUD and Mr. HOLDEN.
 H. Res. 1401: Mr. SIRES.
 H. Res. 1414: Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MCCARTHY of New York, and Mr. MORAN of Virginia.
 H. Res. 1416: Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CUBIN, Mr. BROWN of South Carolina, Mr. BRADY of Texas, and Mr. ALEXANDER.

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 JEFF FLAKE 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.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5977: Mr. HUNTER.



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PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154

WASHINGTON, WEDNESDAY, SEPTEMBER 10, 2008

No. 143

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by Rev. Catherine Quinn, St. John's Church, Washington, DC.

The guest Chaplain offered the following prayer:

Let us pray.

Almighty God, we give You thanks for these, Your servants, gathered to do Your work in the governing of this country that You have so blessed. Help them to recognize Your abundance. Help them to honor their responsibility. May they be humble as well as wise, civil as well as courageous, patient as well as strong.

Make us each mindful of our relation to all creation, the fullness of which only You, dear Lord, can survey. On this 10th day of September, as we recall the calm before the storm of September 11, 2001, strengthen us to summon the best in ourselves. May we deal gently and honestly with one another, live in recognition that our spirits are interconnected, and in all things embody Your love.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 10, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes. Following morning business, the Senate will resume consideration of S. 3001, the Defense authorization bill.

Last night, the Senate reached an agreement to consider several amendments to the bill, including amendments by Senators LEAHY, VITTER, NELSON of Florida, and KYL. Those amendments will be debated this morning, and we will work with the two managers of the bill and with my counterpart, Senator MCCONNELL, to find out when those votes should take place. We are hopeful we can continue working on this most important legislation today and complete the legislation this week. It would be really good if we could do that.

Mr. President, if the distinguished Republican leader wouldn't mind, I wish to yield a couple of minutes to the Senator from Nebraska, and then Senator MCCONNELL would have the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

WELCOMING THE GUEST CHAPLAIN

Mr. HAGEL. Mr. President, I thank the distinguished majority leader and minority leader for allowing me to welcome and congratulate our guest chaplain today, Rev. Cathy Quinn, who has been noted as the senior assistant rector at St. John's Episcopal Church here in Washington, DC. That church, as my colleagues know, is also referred to occasionally as the Church of the Presidents.

Reverend Quinn plays an integral role in leading the congregation in their faith and spiritual growth. She is not new to Capitol Hill, having served as a legislative assistant for former New York Congressman Amo Houghton. Her experiences while at Yale Divinity School ranged from working at hospitals ministering to patients in the pediatric intensive care units and the oncology ward to assisting with the Children's Mission at St. Paul and St. James Episcopal Church. Her many accomplishments have prepared her well for a life of ministry. Along with her growing number of ministerial duties at St. John's, Reverend Quinn also manages to balance the needs of her family—her husband Peter, who is in the Chamber today, and her two daughters, Nora and Molly. Her level of commitment to both aspects of her life is a model for many to follow.

I wish to thank Reverend Quinn for her contributions to her community and for her service to the members of St. John's Church.

So I wish to acknowledge her good work and her spiritual guidance. I am particularly pleased because I have a parochial interest. As I said, not only

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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does my family belong to that church, but my wife Lilibet serves on the vestry there. So not only am I always tuned in, but I pay particular attention in this case.

Again, we are very proud of her and the work she does, the work of St. John's, and all who are associated with that church and that ministry.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

DEFENSE AUTHORIZATION

Mr. McCONNELL. Mr. President, we have a limited number of workdays between now and November, so we will obviously have to focus our priorities starting with the Defense authorization bill which the distinguished majority leader was just discussing, which is now before us. Among other things, the bill authorizes a much deserved pay raise for America's military men and women. Of course, an authorization bill only gets us halfway there. In order for this military pay raise to reach the families it is intended for, the Senate will need to pass an appropriations bill as well. So my suggestion is that we begin processing amendments to the Defense bill today, as the majority leader has indicated, starting with the first four amendments which will be voted on later today. We weren't, unfortunately, able to vote on any amendments yesterday. As everyone knows, the Defense bill is typically a heavily amended bill. It usually takes 2 or 3 weeks to complete, but it is my hope we can make some good forward progress today. Kentucky is home to two major military installations and more than 357,000 veterans. They, and the rest of America's veterans, deserve our full attention.

We have time but not a lot of time. Tomorrow, we will be taking some time out to remember the 9/11 attacks. Friday, we have an all-day energy summit. So let's use our time wisely. If we do, it is my hope we can work together and, with cooperation, finish this bill, at least early next week.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or

their designees, with the majority controlling the first half of the time and the Republicans the final half.

The assistant majority leader is recognized.

FANNIE MAE AND FREDDIE MAC

Mr. DURBIN. Mr. President, Sunday's announcement by Treasury Secretary Paulson that the Treasury Department and the Federal Housing Finance Authority would be placing Fannie Mae and Freddie Mac into conservatorship should be recognized for what it is: This is a landmark intervention by the Federal Government into our private markets, the housing markets. We are literally nationalizing half of the American housing market. The Bush economic policies and the irrational exuberance of the mortgage banking industry have driven us into this box canyon. The U.S. economy is hurting, with dramatic job losses, home values reeling, and middle-income families struggling to pay for the basic necessities.

While it may have been necessary and may have been the best of many bad options, this certainly raises significant long-term questions about how we organize and regulate mortgage financing in this country. This move may stop the rot for now, but real reform must follow.

With this administration's days numbered and only a few months left, it will be up to the next President and the next Congress to face these issues honestly and quickly.

For my part, I intend to make the case in the coming months that there is a sensible role for Government to play in the regulation of markets, regardless of what some may argue to the contrary. Letting our private sector markets run amok can lead to excessive booms and bailouts, as last weekend's actions evidence.

There are two things that merit immediate attention. I have written to the Secretary of the Treasury, Henry Paulson, Federal Housing Finance Authority Director Lockhart, and the incoming CEOs of Fannie Mae and Freddie Mac asking two things: First, it is unconscionable to reward the outgoing CEOs of these companies with golden parachutes that will literally cost the taxpayers millions of dollars—some estimate \$24 million—in farewell gifts; second, that we focus on restructuring the mortgages owned or serviced by Fannie Mae and Freddie Mac. Our goal needs to be structuring mortgages so troubled homeowners can keep up with their house payments and not lose their homes.

According to analysts cited in news coverage, the two ousted CEOs of Fannie Mae and Freddie Mac may be entitled to over \$24 million as a farewell gift from American taxpayers for running their companies into the ground. With taxpayers across America now facing the burden of paying up to \$200 billion in bailout costs for these agencies, I find this unconscionable.

Income equality in our country continues to grow. Middle-class families continue to work hard for paychecks that can't keep up with the cost of living. Yet compensation for senior executives has risen dramatically over the last 8 years.

My colleague, Senator JIM WEBB, not that long ago, in response to the State of the Union Address, noted that in the 1960s the CEOs of major corporations made 20 times more than the average worker. Today, they make 400 times more than the average worker. That means that literally each day a CEO works, he makes more than the average American worker makes in a year. How can we be asked to enshrine this inequity with taxpayers' dollars? We are being asked to reward incompetence and to lavish millions of dollars on the CEOs of Fannie Mae and Freddie Mac who have failed in their assignment. A worker who doesn't do his job will be given a pink slip, but a failed CEO of Fannie Mae or Freddie Mac is given a multimillion-dollar windfall.

I understand that both of these individuals were brought on the job to try to save failing agencies, but it is also true that in the case of the head of Fannie Mae, Daniel Mudd, he was paid \$11.6 million as an income last year as Fannie Mae was headed into the tank. Mr. Syron, Richard Syron, who headed up Freddie Mac, was paid \$18.3 million last year and given stock options. It turns out those stock options have become almost worthless. The fact is that they are still being rewarded—unless we do something—with farewell gifts and golden parachutes as they leave.

When Mr. Mudd took over Fannie Mae some 4 years ago, the shares were trading at \$70. On Friday, the day the news of the possible takeover started to leak out, Fannie Mae shares were trading at \$7. On Monday, the shares closed at 73 cents.

Freddie Mac had its own accounting problems when Mr. Syron took over in December of 2003. The company was forced to admit it had inflated its earnings by nearly \$5 billion. Like Mr. Mudd, Syron—who had served as a chief executive at other companies before—had been brought on pledging to fix the company and get it back on track. Freddie's shares, which traded for about \$55 when Mr. Syron took over in 2003, dropped to about \$5 last Friday and then to 88 cents on Monday.

You don't have to be a subscriber to the Wall Street Journal to realize these two men failed in their assignments. Given 3 or 4 years to right the ship and steady the course, they failed. Yet, in their failure and departure, they are asking for a rich reward—literally millions of dollars to be paid by the taxpayers. That, to me, is indefensible. That is why I have joined others in Congress, including Senator OBAMA, Senator REID, and Senator SCHUMER, in writing to the Treasury Secretary and the head of the Housing Finance Authority and telling them to stop the

golden parachutes for Mr. Mudd and Mr. Syron.

However, there is more that needs to be done. Last Sunday, Secretary Paulson called me to explain what was going to happen with Fannie Mae and Freddie Mac.

I told him I didn't know what else he could do. To allow these two housing giants to fail could literally cause reverberations across the economy, hurting many innocent companies, shareholders, and workers. I thought we had to step in. We had no choice. But it is not enough. To ride to the rescue of Bear Stearns, as our Government has, or to the rescue of Fannie Mae and Freddie Mac, as we have, is, of course, an effort to avert a worse disaster. But there are literally hundreds of thousands of small-scale disasters taking place every day, which still evidence a serious problem in the American economy. I am speaking, of course, of foreclosures. Despite the passion this administration has for making sure corporations survive bad times, they don't have a similar passion for families facing foreclosure.

The letter I have written to the Treasury Secretary calls on him, as part of this restructuring of Fannie Mae and Freddie Mac, to at least consider a helping hand for those facing foreclosure.

When IndyMac Federal Bank was taken over by the FDIC in July, the FDIC instituted a systematic plan to refinance troubled mortgages to help those homeowners avoid foreclosure. It set up strict criteria for those who would be eligible. It would not help speculators but those who had their homes at stake. It initiated restructurings for all of the mortgages that qualified. However, when it comes to the other mortgages across America, I am afraid there is a sad story to tell, where there has been a failure to refinance, a failure to create opportunity for people to stay in their homes. Foreclosure is a disaster for any family facing it, but it is also a disaster for their neighbors. The value of my home in Springfield, IL, has diminished because some of my neighbors have gone through foreclosure. Of course, it affects the overall housing market. It affects whether people will buy or build homes. Unless this cloud is removed from our housing market, then one of the pillars of the American economy has been shaken and may crumble.

That is why we have called on the Treasury Department and this administration to step in as part of restructuring Fannie Mae and Freddie Mac to avert foreclosures. Now, the Mortgage Bankers Association—the group that brought us this subprime mortgage disaster—has been arguing not just for months, but for years, that voluntary efforts by financial institutions are enough, that these banks will come forward and help these families. But there is no evidence of that whatsoever; foreclosures still are occurring at a record historic rate.

We cannot expect to emerge from this weak and failing economy until we address the root cause, which is the failure of the housing market. The Bush economic and tax policies have brought us to this disastrous moment—this moment where we have a Tax Code that rewards the wealthiest instead of helping middle-income families, a moment where the administration rushes to the rescue of the big banks but forgets American families who are struggling to keep a roof over their heads, struggling to protect the only asset they have in life against an economy that is making it difficult for them to survive.

Foreclosures continue to skyrocket. We have set a new record high in the last quarter, according to the Mortgage Bankers' own data. The Hope Now Alliance, which is run by bankers with the support of this administration, is supposed to be riding to the rescue. But they don't require banks to do anything to help homeowners, but just gives them "guidelines." Let me tell you something: Guidelines will not save a home. Guidelines will not avoid foreclosure. Guidelines won't keep you out of bankruptcy. That is what many homeowners are facing.

We tried, unsuccessfully, to convince this Senate and this administration to allow those homeowners facing bankruptcy and foreclosure to have one last chance in the bankruptcy court, to let the courts sit down with the bank and the family and try to find a way to keep them in their home. It was rejected. The "sanctity of the contract" is what we were told, we cannot violate the sanctity of the mortgage contract. Why, that would be unconscionable. It would shake the very foundations of the private sector economy in America.

But what happened last week? What happened to the sanctity of the contract when our Government and taxpayers rode to the rescue of Fannie Mae and Freddie Mac? We decided there was a greater good. The greater good was stabilizing this economy, averting a disaster if these two agencies failed. We said we would step in and do something extraordinary for the good of America. Why is it we will step in with billions of dollars for the good of America when it comes to major banks and major financial institutions but consider it anathema, unacceptable, heretical to step in when it comes to helping a family save a home?

That is the difference in the thinking here. When it comes to the priorities of this administration in Washington, those at the top, whether it is the banks or the CEOs of Fannie Mae and Freddie Mac, they always come out fine. They are always going to find themselves at the end of the day quite comfortable. But when it comes to helping working families—middle-income families who are struggling to get by—the policies of this administration have not been kind.

This Hope Now Alliance still won't report to the public how many families

are receiving real mortgage relief, through a reduction in what is owed. We can assume that not many are getting help. Now that Fannie and Freddie have been taken over by the Government, we can do something about it. These companies need to systematically restructure mortgages so we can prevent as many foreclosures as possible. Everyone wins if we do that. Families get to stay in their homes, taxpayers spend less money covering foreclosure losses, Fannie Mae and Freddie Mac reduce their future exposure to failed loans, and it is the right and smart thing to do. As our economy continues to struggle, we should take advantage of every opportunity we have to step in and help.

Saving the taxpayers from overpaying failed CEOs and helping families stay in their homes and avoid foreclosure are two such opportunities. In this letter, I have urged the administration to seize both opportunities.

On November 4, the American voters will have a chance to speak to the record of this administration, to decide whether we are going to make the change in Washington that is needed to steer a different course, to bring, I hope, a stronger economy. Many of us believe the strength of that economy and future of that economy is with the working families of this country, the middle-income families who struggle every day, pay their taxes, try to keep gasoline and groceries available, pay for college education and health expenses, and are having a hard time getting by. There hasn't been enough sensitivity in the actions and policies of this Congress or this administration when it comes to these families.

The fact is we have a chance in this election to change things in Washington, to bring some new thinking, some new priorities, and some new values. Those values don't include multimillion dollar golden parachutes for failing CEOs, or putting banks as a priority above average working people who have always been the strength of this country. I certainly hope we have that opportunity and seize it on November 4.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

ENERGY

Mr. TESTER. Mr. President, I rise today to visit about an issue we have all been talking about for some time: energy. In fact, truth be known, we have been talking about energy for over 30 years in this country, since the first energy crisis in the early 1970s.

Over the August recess, I had the opportunity to go around the State of Montana—I logged hundreds of miles on my vehicle—and talk with Montanans virtually from all over the State about energy and our Nation's energy future. Every visit to the great State of Montana is another reminder

to me that many of the best ideas—if not all of the best ideas—are found outside of Washington, DC. From a dairy farm in western Montana that converts cow manure into enough electricity to power that farm and its neighbors through hydrogen fuel cells that keep the lights on in college classrooms, to a generator that turns tree bark into electricity, Montanans are finding innovative ways to meet their energy needs. That can not only help Montana, but it can help the whole country's energy future.

It is no wonder, as I traveled around the State, as we see in Montana, gas prices a little under \$4 a gallon, and as we see winter coming in and the potential of a cold winter and the potential for high heating oil and natural gas prices, that Montanans are very concerned about their energy future.

This fall, over the next few weeks, we have an opportunity to address this country's energy future both in the short term and in the long term. Hopefully, we will address it. Hopefully, we can put the partisanship away. Hopefully, we will be more concerned about energy for this country's citizenry than about who is going to win the next election.

Back in 1978, one of the other times we had energy problems in this country, Montana put out this book. It says 1978 on the bottom, and it is called "Montana's Energy Almanac." This book contains information about oil and gas and coal. It also contains information about electricity transmission, solar power, geothermal, renewable energy, and a myriad of other issues. This book could have been written in 2008. The fact is we had a format to move forth with this country's energy future, and it didn't happen. We had the ability to develop a long-term energy plan for this country, and it didn't happen—30 years ago, it didn't happen; a generation ago, it didn't happen.

We need to make it happen this fall. It is critically important for this country. It is critically important for this Nation's security. As we come forth with an energy plan over the next few weeks, it will include drilling, make no mistake about it, and it should. Also remember this: It is not going to significantly decrease the prices at the pump right now. That doesn't mean it is the wrong thing to do. It is the right thing to do, because the truth is that if we can take our reliance off of places such as Venezuela, Russia, and Saudi Arabia, that is a good thing. You also must note that, right now, we are drilling. In fact—and I have stated this before on the floor—right now, it would be difficult to find a rig in the United States to punch a hole for gas or oil, because they are already doing that. If you are lucky enough to find a rig, you would be hard pressed to find the casing to put in that hole once it is drilled.

The truth is we need to drill, and how much we drill will probably depend upon the availability of rigs and cas-

ings, and right now they are being used up. Drilling is part of the plan. We also need to invest in renewables, because drilling should be a bridge. We talk about bridges, but we never talk about where that bridge is going to go. It will go to nowhere unless we invest in renewables such as solar, wind, geothermal, biofuels, and cellulosic ethanol, and it is critically important for our long-term energy future. So we need to invest in those things by a myriad of ways.

My colleague in the Senate, MAX BAUCUS, has a bill that will do exactly that. That bill needs to be a part of the Energy plan to invest in solar, wind, geothermal, biofuels, cellulosic ethanol—the list goes on and on—because there is tremendous opportunity out there. We need to invest in R&D in clean coal, battery technology, hydrogen technology, high-mileage cars, hybrids, and electric. We need to encourage innovation in R&D. It will happen because it is happening on the ground in places such as Montana now. We need to encourage the innovation.

As this book said on all these issues, we also need to invest in transmission. We need to invest in the grid. If we are going to get electricity to consumers in a way that makes sense, in a way that is efficient and cost-effective, we need to invest in transmission.

Finally, and potentially the most important of all these points, we need to eliminate the redtape. A few years ago, we eliminated the redtape for gas and oil companies. We need to do the same thing for renewable energy. The agencies have been understaffed and, quite frankly, it occupies a lot of time now to get a project through.

We have a Montana-Alberta tie line project to move electricity from Montana to Alberta and from Alberta back to Montana with renewable energy on that line. It has been 3 years in progress. The redtape needs to be eliminated.

I will be introducing a bill to cut through the redtape and encourage these kinds of renewable energy projects because, for the long-term future of this country, it is absolutely what we need to do.

In closing, I wish to say this: Oil is hovering around \$100 a barrel right now. It has backed off somewhat. Back in the seventies, we saw oil peak and then back off, and this book was put on the shelf and never looked at again, and probably every State in the Union had a book such as this.

The truth is, we have an opportunity right now to address this issue from a short-term and a long-term standpoint. This issue is not going to go away. We have 3 percent of the reserves. We use 25 percent of the oil. We need to figure out not only ways to maximize our own oil capacity but also how we are going to take renewables into the future and other energy sources into the future so it makes sense for this country and its consumers and this country's security.

As I said earlier, with countries such as Venezuela, Russia, and Saudi Arabia

determining our energy future, that is no way to run a country. We need to address our energy problems, and we need to do it together today by all of us giving a little bit to find common ground to move forward.

As we move across the next 57 days to the election, we ought to forget about it. We ought to forget about the election and do what is right for this country and develop a short-term and long-term energy plan that addresses current demand, future demand, affordability, and sustainability. Thirty years from now, I don't want to see a Senator standing up on this floor holding this book up saying: In 2008 we had this same problem, and we need to deal with it today.

We need to deal with it now in 2008, this fall. We cannot blow this one.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

ORDER OF PROCEDURE

Mr. GREGG. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes, and after I have completed my speech, Senator CORNYN be recognized for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New Hampshire is recognized for 15 minutes.

Mr. GREGG. I ask the Chair to notify me when I have used 10 minutes.

FISCAL RESPONSIBILITY

Mr. GREGG. Mr. President, yesterday the CBO gave us their estimates of what the deficit is going to be and what the deficit for next year will be, and it is not good news. The deficit has more than doubled. It is projected now to be \$407 billion. That is up from about \$160 billion. That has all occurred under the leadership of this Democratic Congress. Obviously, the administration takes significant responsibility, but the Congress, under the law, under the Constitution, controls the purse strings, and the Congress has the control over the check writing of the Government. As a result, the first responsibility for fiscal restraint and fiscal discipline is with the Congress, and it has failed that test.

It is hard to imagine how the deficit could jump this much in this short period of time. Most people will say it is the result of the war—or people on the other side will say that. It is not. This jump in the deficit, to the extent it was controllable from the Federal Government's standpoint—in other words, it wasn't caused by the slowdown in the economy—was purely a function of increased spending on nondefense—not purely but was significantly increased by spending on nondefense activities and a dramatic increase in spending.

The problem is that not only is this deficit now at \$400 billion and going up

under this Congress, but the outyears are even more severe that the risk for us as a nation is even more dramatic from the standpoint of fiscal policy because looming over the horizon is the problem with entitlement spending which will expand dramatically as the baby boom generation retires and where we already know there is more than \$60 trillion of unfunded liability.

What has this Congress's response been to this situation? It is the worst record in the last 20 years. One appropriations bill—one appropriations bill—freestanding, has been passed in the last 2 years, the Defense appropriations bill last year. There have been Omnibus appropriations bills passed. Then this year, we are going to pass, it looks like, not an Omnibus appropriations bill but simply a continuing resolution; a complete abdication, a complete abandonment of the budget process, of the responsibility—the first responsibility of the Congress, other than defending the country—of setting up a fiscal process for managing the taxpayers' dollars has occurred under the leadership of this Democratic Congress. It is truly the worst record in the last 20 years. Nothing like this has happened where so much that Congress is supposed to do has not been done. No appropriations bills have been brought to the floor of the Senate, and no appropriations bills have passed the Senate and the House. None. We are supposed to pass 12 bills. None have been passed.

The debt has gone up over \$1 trillion, \$1 trillion added to the debt in the last 2 years. The deficit has doubled, and yet there has been no effort at all not only to do the day-to-day responsibility of managing the Government, which, after all, is the responsibility of the Congress, by passing appropriations bills, but to address the issue of the looming crisis in our entitlement accounts—no effort to address entitlement reform or even at the margin to try to control the rate of growth of entitlement programs. Even the most simple ideas which are reasonable and could have been accomplished have not been pursued, ideas such as making wealthy people pay for some portion of their Part D premium.

Today, Warren Buffett, who qualifies for a drug benefit under Medicare, does not have to pay for any of that or pays only a marginal amount of that cost compared to what he should be paying as a high-income individual. That adjustment has been ignored. Ideas such as that which make sense that would at least save us some money have not even been brought forward; zero effort in the area of Medicare reform, in the area of Medicaid reform, and in the area of entitlement reform by this Congress, zero effort in the area of controlling spending. Not one program has been reduced, not one program has been eliminated, not one program has been adjusted downward. Everything has gone up and up and up. Thousands of earmarks have been proposed, thou-

sands—7,000 or 11,000, I have forgotten the number. Senator COBURN knows it off the top of his head. But it is so many you can't even keep track of them.

It is a true dereliction of duty by this Democratic Congress the way the fiscal house of this country has been managed. They do debt, they do deficits, and they do nothing, and they deserve a D minus when it comes to managing our fiscal house.

It is unfortunate because all these costs which we are running up represent radical increases in borrowing which means dramatic burdens for our children and our grandchildren as they have to pay these bills when they come due in the outyears instead of paying as we go, which is the appropriate way to proceed with spending. We are simply borrowing from our children.

In fact, the pay-go rules, which were supposed to discipline spending, have been waived, adjusted, and gamed time after time to the point where over \$399 billion under this Congress has been spent or put on the books as an obligation which should have all been subject to a pay-go point of order. But those pay-go points of order have been adjusted, waived, or gamed so they did not even get raised or, if they did get raised, they got run over by the majority in this Congress.

So the rules which this Congress put in place to try to discipline spending and which we so often hear chest beating about from the other side of the aisle—I am for pay-go—have been eviscerated. I call it "Swiss-cheese go." It has no relevance at all any longer because the spending around here occurs in a manner which is profligate and there is no attempt to adjust spending to reflect revenues, to attempt to bring down the deficit. In fact, the deficit is now double.

It is not good news for the American taxpayer. Here we are in a situation where we are facing some very serious fiscal times, and we ought to at least be able to discipline our budgets in a more effective way. We ought to at least do the business of the Congress, which is to pass appropriations bills which are within the budget rather than pass supplemental emergencies which are outside the budget.

This is a problem, and it is a significant problem. It is brought about in large part because this Congress has failed to do its job of managing the fiscal house or even taking up the bills which are supposed to manage the fiscal house.

There is another subject I want to touch base on—I see the majority leader is here and as a courtesy, I will proceed to those comments so I don't take up too much of his time—and that is the issue of the highway trust fund needing to be replenished to meet obligations which it has incurred.

A little bit of history is important, if the majority leader will allow me to proceed briefly to outline the history.

We passed something called SAFETEA back in 1995. That bill set

out highway spending which was supposed to be paid for from the highway fund, which the highway fund is paid for by gas taxes. But that bill was intentionally structured—intentionally structured—so that the spending would exceed the income. We knew one day during the term of that bill—people thought it would be later in the process—the highway trust fund would be spent out and there would be a problem.

Why do we know that? Because that bill included 6,000 earmarks totaling \$24 billion which we knew were not going to be able to be totally paid for by gas tax revenues even if the gas tax revenues had maintained themselves.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes. Mr. GREGG. I thank the Chair.

What happened was that the gas tax revenues have fallen because of the increase in gas prices and the American people's appropriate effort to try to conserve their use of gasoline. So the day of reckoning has come earlier, much earlier, than expected, but we knew there was going to be a day of reckoning because the bill was structured to fail. All these 6,000 projects that were put in there, \$24 billion of spending we knew was not going to work or be paid for under the present bill. So now the suggestion is that rather than pay for them in a responsible way, we should raid the general fund, take that money and use it in the highway trust fund.

The highway trust fund has always been a separate entity. The whole purpose of the highway trust fund was to fund highways and have them have their own stream of revenues to fund them and to not commingle those funds with the general fund.

The argument has been made—and it is a straw dog argument of the most extraordinary level—that back in 1998, the highway trust fund lent \$8 billion to the general fund, and they are just trying to recover that now as an accounting event. That puts a whole new spin on the concept of accounting. Even the people who did Enron's internal accounting would have found that one a hard sell. That was a movement in 1998 of nothing more than paper.

This event is a real addition to the Federal debt of \$8 billion. This is real money; that had no real money involved. This has a real effect; that had no real effect involved. So that argument is truly a straw dog argument put out there to try to legitimize a raid on the general fund in order to settle up the highway fund.

Now, I know I am going to lose this fight, and I am not trying to stop the fight. I am not trying to stop the event. I haven't suggested we need 60 votes to go through this. What I have suggested—and I will ask unanimous consent to accomplish this—is that we simply have two amendments: One—mine—would put back in place pay-go rules and the Byrd rule prospectively—so it doesn't even affect this event—so

this doesn't happen again. Both of those should be disciplining events on how we fund roads, and it is the right procedure. It is not an outrageous request to proceed that way. The other is the Coburn-DeMint amendment, which says that any money that is taken out of the highway fund will be used for building roads or bridges, as I understand it, and not be used for things such as bike paths and basketball arenas.

So those are the two amendments; that those amendments be brought up, debated, and voted on in a very short and very constricted timeframe and then we have a final passage vote. The majority leader has asked for an amendment to his proposal, so if either one of these proposals were to pass, it is going to go back to the House.

The argument that this is going to slow the process doesn't really have legs because, first off, we may lose both our amendments, but even if we don't lose them, the majority leader has proposed a unanimous-consent request which has an amendment in it, and that amendment will pass because, in effect, it is an effective date amendment. But that will send it back to the House and it will have to be done again, anyway. So as a practical matter, these proposals aren't going to slow the process.

It does seem to me it is reasonable to have two amendments and then final passage or three amendments and then final passage rather than just one amendment and have final passage, and do it all within a framework that has a reasonable timeframe.

UNANIMOUS-CONSENT REQUEST—
H.R. 6532

Mr. GREGG. Mr. President, I ask unanimous consent that the Finance Committee be discharged and the Senate proceed to the immediate consideration of H.R. 6532, the highway trust fund bill, under the following agreement: that the Baucus amendment at the desk changing the enactment date be agreed to and the only other amendments in order be the Gregg amendment on budget discipline and the Coburn on nonessential projects, the text of which is at the desk, with 30 minutes of debate on each amendment and 1 hour on the bill equally divided in the usual form. I further ask unanimous consent that upon disposition of the amendments and following the use or yielding back of the time, the bill, as amended, be read a third time and the Senate proceed to a vote on passage without any intervening action. I further ask unanimous consent that no points of order be waived by virtue of this agreement.

So the maximum amount of time that would be involved here would be 2 hours, and then there would be a vote on final passage.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, the one thing I am

not going to do is get into a debate on the Senate floor with the Senator from New Hampshire on the rules relating to the budget. He knows them inside out and upside down. The only person I know who is qualified to debate him on these issues is Senator CONRAD. So his amendment is something I am not going to discuss at all because, without in any way demeaning myself, I am not capable of doing that.

But I can say a few things about the Coburn nonessential projects amendment. My friend, the junior Senator from Oklahoma, has held up scores of bills. His definition of nonessential is unique to him. For example, we all know—we have been through it before—that he has held up the Lou Gehrig bill, which would allow a registry to be set up so we could start doing research on this dread disease that is killing people as we speak. The Senator from Oklahoma has held up the Christopher and Dana Reeve Paralysis Act, which is so important to people who are paralyzed. Postpartum depression—I don't know if anyone has had this in their family, situations where this disease has reared its ugly head. It is very severe. A woman has a baby, and following the woman having a baby, she becomes emotionally unstable and needs help. We need to do research on this to try to find out what we can do to alleviate this very serious problem. The Senator from Oklahoma has held that up. Conquering childhood cancer—held up. Breast cancer research was stopped by Senator COBURN. The Emmett Till Unsolved Crimes Act—stopped. Child pornography prosecution—stopped. Enhancing child pornography prosecution—stopped. Funding victims for torture—stopped.

So, Mr. President, I have great respect for my friend from New Hampshire, but the President of the United States and his Cabinet officer, the Secretary of Transportation, called me personally to say they needed this legislation done Monday. They have said they want it done Monday. They want it done now. All 50 States are facing a highway funding crisis if we don't get this bill to the President's desk immediately. His Transportation Secretary, Mary Peters, after opposing our efforts for months to do this, has stated that the crisis has become so severe that the bill needs to be on the President's desk no later than Friday of this week. The Department of Transportation has told us that by this Thursday, States will be reimbursed to the tune of 62 cents on the dollar. That will mean immediate layoffs, immediate terminations of existing contracts.

We don't have time for debating frivolous amendments. The amendment my friend talks about is one the President wants and can be completed just like that. We need to get this done. We need to pass the bill now with an immediate implementation date so that our Governors and our highway workers will know they will have the Federal funds they are owed. Anything

short of that is playing Russian roulette with our economy.

Mr. President, it speaks volumes that we are here, as we should be, talking about how much money \$8 billion is. Keep in mind that we want to take that money and put it in the highway trust fund to keep jobs, to keep people from being laid off, when yesterday it was announced by the administration that we are going to have the highest deficit in the history of our country this year. Where is President Bush when we have been talking about these deficits for such a long time?

So, Mr. President, with all due respect to my friend, the senior Senator from New Hampshire, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. GREGG. Mr. President, might I inquire of the majority leader—

The ACTING PRESIDENT pro tempore. The time of the Senator from New Hampshire has expired. The Chair is informing him of that. This is the Republican time.

Mr. GREGG. Mr. President, I ask unanimous consent to proceed for 2 minutes to enter into a dialog with the majority leader and that it not affect the 15 minutes that has been reserved for the Senator from Texas.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Might I inquire of the majority leader, 2 days ago, the majority leader—yesterday—proposed a unanimous-consent request, and I didn't note in that request that he had a recorded vote involved. Also, if I heard his statement correctly, if the Senator from North Dakota were to agree to my amendment, would he be willing to place it into this amendment?

Mr. REID. No. Mr. President, what I said is that I am not going to debate these very complicated issues relating to budgetary matters with the Senator from New Hampshire. I said the only person who I think is as knowledgeable of the budgetary provisions of the law and precedents here in the Senate is the Senator from North Dakota. So I have every belief that the Senator from North Dakota is not going to come and do this, and I have an even stronger belief that the Senator from North Dakota would not agree to what the Senator suggests.

Mr. GREGG. Well, I suspect the Senator knows the position of the Senator from North Dakota well.

Mr. REID. I would also say this, Mr. President: I would be happy to propound a unanimous-consent request. My request, which I have done on two separate occasions—Monday and Tuesday, and now it is Wednesday—called for passage by unanimous consent with no rollcall vote. I would be happy to change that so that we have a rollcall vote on this. That rollcall vote would be scheduled forthwith.

Mr. GREGG. Mr. President, I would like to talk to the majority leader about that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized under a previous order.

Mr. CORNYN. Mr. President, I would request I be notified when I have used 12 minutes.

Mr. President, I wish to join my colleague from New Hampshire in raising some alarm—not intemperate, not hysterical alarm, but alarm nonetheless—about the recent reports that the Federal deficit has now risen in excess of \$400 billion. Of course, what that means is that the Federal Government continues to spend money it does not have, and I think the American people are rightfully concerned that we are on a course of significant fiscal irresponsibility for which a tremendous price is going to be paid by our children and grandchildren.

The Senator from New Hampshire mentioned the fact that here we are in September, and this Congress, under the Democratic control conferred upon them in the last election, has yet to pass a single appropriations bill. I know that in the blame game—which in Washington, DC, is a world-class sport—our colleagues on the other side of the aisle like to point to the President of the United States as the person responsible for the high budget deficit. But the fact is that the President can't appropriate a penny of money. The President does not have that authority under the Constitution of the United States. Only Congress can appropriate money, and Congress is the one that should bear the responsibility for this tremendous state of fiscal neglect and irresponsibility that brings us here today.

We also know that in this election season, Senator OBAMA, our colleague from Illinois, has already proposed \$350 billion in new Federal spending. The \$400 billion deficit apparently is not enough to satisfy Senator OBAMA. He wants to spend \$350 billion more in new spending. And these are not on existing spending programs, this is new spending. Over 5 years, his proposals would cost almost \$1.7 trillion. Well, I have to tell you that in the 5 weeks I was back in Texas traveling the State and listening to my constituents, the last thing that was on their to-do list for us here in Congress was to come up with new ways to spend their money. What they wanted was for Congress to accept the responsibility that goes along with the privilege of holding the offices we hold and to actually do something about the problems that confront our Nation when it comes to fiscal irresponsibility.

It is a troubling sign that our deficit has ballooned from \$161 billion to more than \$400 billion. Yet what do we find out yesterday or the day before but that the Federal Government is now going to have to take over, in essence, Freddie Mac and Fannie Mae. This move could potentially cost taxpayers as much as \$200 billion more on top of the \$400 billion deficit.

Since the 2006 election, Democrats have been in control. And this year alone, spending has increased by 8.3 percent. Now, I don't know any business, I don't know any family who increased their spending 8.3 percent from last year to this year. Only the Federal Government—which, of course, prints money, which is then added to the deficit and the bill passed on to our children and grandchildren—only the Federal Government could get away with that.

Regarding the Fannie Mae and Freddie Mac debacle, no one actually knows how much this bailout is going to cost the American taxpayer. I have very serious concerns whether the poor investment decisions of the CEOs and the shareholders should be guaranteed by the paychecks of taxpayers.

As a matter of fact, I think they should not be. While they were granted a backstop against catastrophic losses, certainly the taxpayers were not there to share in the profit during the heyday of those Government-sponsored enterprises. And the most disturbing to me is that the collapse of Fannie and Freddie was, in all likelihood, contributed to by corrupt actions of its corporate officers.

As a matter of fact, in May of 2006, a report by Fannie Mae's oversight authority, the Office of Federal Housing Enterprise Oversight, noted that:

By deliberately and intentionally manipulating accounting to hit earnings targets, senior management maximized bonuses and the executive compensation they received at the expense of shareholders.

Now, there was an investigation into these corrupt practices. But, amazingly enough, there were no criminal charges pursued, only civil fines against the top three corporate officers. So while three corporate officers overstated Fannie Mae's earnings by approximately \$10.6 billion, they have been given a slap on the wrist and no real sense of accountability, no accountability in any sense of the word.

We know they contributed to what ultimately happened by the Treasury Secretary using the power Congress conferred in him to essentially take over and bail out these two enterprises.

I have written a letter to the Attorney General of the United States asking him to conduct a criminal investigation into the activities of the corporate officers and anyone else who may have contributed to the overstatement of assets on the books of Fannie Mae and Freddie Mac and to make sure a thorough criminal investigation is undertaken and that those responsible for violating any of the criminal laws of the United States be held accountable.

Mr. President, I ask unanimous consent that this letter to the Attorney General be printed in the RECORD after my remarks.

The PRESIDING OFFICER (Mr. NELSON of Nebraska.) Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. What the American people want in Washington is accountability. And what they see is dysfunction and no accountability. If there is one thing I heard from my constituents in Texas as I was there during the month of August is that no one is happy with what is happening in Washington, in Congress in particular, not Democrats, not Republicans, and certainly not me.

I think to see, for example, a \$400-billion-plus deficit, a bailout of Fannie Mae and Freddie Mac that is going to cost probably somewhere on the order of \$200 billion, and then to hear Speaker PELOSI in the other body talk about a second stimulus bill which is going to, of course, increase Government spending, spending money we do not have and pass that debt along to our children and grandchildren, I wonder whether Congress has lost leave of its senses entirely, because there seems to be absolutely no recognition of our fiscal responsibility here. I point to the fact that there has actually been an effort to try to figure out how to eliminate wasteful spending projects. The Office of Management and Budget has done a review of about 1,000 Government programs and actually concluded that about 22 percent of them were either ineffective or else they could not tell whether they were effective.

In other words, out of 1,000 Government programs chosen by the Office of Management and Budget, 22 percent were either found ineffective or else it was impossible to say whether they were effective. I do not know which is worse, whether they are ineffective or whether you do not have the information to tell one way or the other.

What Congress needs to do as it sets about spending more money is not grow the size of Government and raise taxes or else pass the bills down to our children and grandchildren. Congress needs to start cutting ineffective programs. That is why I have introduced a bill that would create a sunset commission like the sunset commission in many States, including mine, which would actually periodically review Federal Government agencies and programs and cut wasteful or ineffective programs.

That is the kind of commonsense, practical, bipartisan solution the American people are crying out for, but apparently in vain, because Congress persists down this road of fiscal irresponsibility, and there is no apparent end in sight.

DEFENSE AUTHORIZATION

Mr. CORNYN. Mr. President, I know we are going to be moving to the Defense authorization bill. I want to speak briefly on an amendment which I intend to offer called the Military Voter Protection Act. I believe the right to vote is one of the most precious civil rights we have as American citizens. Yet the scandalous fact is that last election, in 2006, out of all of

the eligible military voters and civilians overseas, only 5.5 percent of those eligible to vote and who actually tried to cast a vote had their vote counted—5.5 percent.

Now, if this were to happen in any city, in any town, any State here in our country, there would be a major public outcry. There would be newspaper headlines, and investigative reporters would be scrounging for information finding out who is denying the most basic civil right to American citizens that we have, which is the right to vote.

But for some reason nothing is done, either by the Department of Defense or the Department of Justice or by the Congress to make sure that those men and women who are deployed in harm's way have the opportunity to register to vote, and to make sure that when they do vote, their ballot is actually delivered back and counted on a timely basis.

This is something that I think all of us would support on a bipartisan basis, the Military Voting Protection Act. I intend to bring it up this morning with both the bill managers, Senator LEVIN and Senator WARNER. I hope I will be permitted an opportunity—

The PRESIDING OFFICER. The Senator has used 12 minutes.

Mr. CORNYN. I thank the Chair. I hope I will be given an opportunity to call up this amendment and to have it voted on. I worry a little bit because of the fact that the majority leader has filled the amendment tree, and that there is some question whether amendments will be allowed on this bill.

As a member of the Senate Armed Services Committee, as is the occupant of the chair, I am usually familiar with the fact we are on Defense authorization bills for a matter of a week or more, usually 2 or 3 weeks, and it is usually a much amended bill because of the public interest in this particular piece of legislation.

I am worried that the majority leader is trying to compress all activity into this 1 week and we will not have an opportunity to offer important amendments such as the Military Voting Protection Act, which I have described, which I will come back to the floor and describe more thoroughly.

After a very bad year here in the Senate, we still have about 2½ weeks in order to pull the chestnuts out of the fire and actually accomplish some very important things by passing a Defense authorization bill, including protecting the voting rights of our military deployed overseas.

We have a chance to stand up for fiscal responsibility by actually passing some appropriations bills and by considering high energy prices and how those are affecting average Texas families and families all across this country, and driving up the cost of food and other commodities as well.

We actually have an opportunity, by eliminating the moratorium on offshore oil exploration and production,

to produce more American energy so we do not have to send \$700 billion a year overseas to other countries in order to buy something which we have an abundance of right here at home, as much as 3 million additional barrels a day right here in the United States, if Congress would simply become part of the solution rather than becoming part of the problem, which it has been by annually passing an appropriations bill rider banning drilling and exploration and production in the Outer Continental Shelf.

Last year, there was an amendment to an appropriations bill that would actually ban rulemaking and exploration and production of oil shale out in Utah, Colorado, and Wyoming, which has enormous capacity to produce a lot more American energy at home.

And then, of course, there is ANWR, where 2,000 acres, right in the middle of a desolate part of a 19-million acre refuge in Alaska, harbor untold amounts of oil, American oil, that would obviously, if produced, make it possible for us to buy less from countries that in some cases wish us harm and not well.

This is a national security problem. It is an economic problem not only for our country but for every hard-working family. I hope Congress will do what it has not done in the preceding months and actually act in a bipartisan way to solve some of these problems which I mentioned in a way that hopefully would make our constituents proud of us rather than disdainful, which is demonstrated, of course, by the historic low approval rating which Congress now—I was going to say enjoys, but certainly we do not enjoy that—now suffers.

EXHIBIT 1

U.S. SENATE,

Washington, DC, September 9, 2008.

Hon. MICHAEL B. MUKASEY,
Attorney General, U.S. Department of Justice,
Washington, DC.

DEAR GENERAL MUKASEY: The recent government takeover of the Federal National Mortgage Association ("Fannie Mae") and the Federal Home Loan Mortgage Corporation ("Freddie Mac") raises serious concerns whether a well-documented culture of corporate executive corruption at these organizations contributed to the mortgage giants' collapse. I request that the Department of Justice begin a new, full-scale investigation into accounting fraud and other corrupt practices perpetuated by top executives—and coordinate efforts with the Department of Treasury and other regulatory entities to determine to what extent any illegal activities led to the institutions' failure. The public deserves a full understanding of the events surrounding the failure of Fannie Mae and Freddie Mac and, furthermore, corporate executives must be held accountable to the American people.

In May 2006, a report by Fannie Mae's oversight authority, the Office of Federal Housing Enterprise Oversight (OFHEO), noted that "[b]y deliberately and intentionally manipulating accounting to hit earnings targets, senior management maximized the bonuses and other executive compensation they received, at the expense of shareholders." The investigation into illegal accounting practices resulted in fines levied on Fannie Mae and three of its top corporate of-

ficers—but no criminal charges. While the three corporate officers who overstated Fannie Mae's earnings by approximately \$10.6 billion may possess some form of prosecutorial immunity, it is imperative that there is accountability for each and every fraud perpetrated upon shareholders and the public. Moreover, the efficacy of prior investigations by OFHEO and Justice are further called into question in light of evidence of disturbing allegations of active interference on the part of Fannie Mae lobbyists. According to the OFHEO report, Fannie Mae "sought to interfere" with the OFHEO investigation by petitioning Congress to conduct a separate investigation of OFHEO. Furthermore, they allegedly lobbied Congress to cut OFHEO's funds for failure to fire the top official responsible for investigating Fannie Mae.

As the future of Fannie Mae and Freddie Mac is debated, it is essential for Congress to shine more light on the culture of corruption that plagued these institutions. But federal prosecutors and regulators also must vigorously investigate these institutions with the utmost urgency. Shareholders—indeed, all taxpayers—are entitled to a critical examination of Fannie Mae and Freddie Mac in light of the huge costs they are forced to bear as a result of the mortgage companies' demise.

Thank you for your prompt attention to this matter.

Sincerely,

JOHN CORNYN,
U.S. Senator.

Mr. CORNYN. I yield the floor and yield back any remaining time we have, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 3001, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3001) to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities for the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Reid amendment No. 5290, to change the enactment date.

Reid amendment No. 5291 (to amendment No. 5290), of a perfecting nature.

Motion to recommit the bill to the Committee on Armed Services with instructions to report back forthwith, with Reid amendment No. 5292 (to the instructions of the motion to recommit), to change the enactment date.

Reid amendment No. 5293 (to the instructions of the motion to recommit to the bill), of a perfecting nature.

Reid amendment No. 5294 (to amendment No. 5293), of a perfecting nature.

Levin (for Leahy/Byrd) amendment No. 5323, to provide for a suspension of certain statutes of limitations when Congress has authorized the use of military force.

AMENDMENT NO. 5323

Mr. LEAHY. Mr. President, I see the distinguished senior Senator from Michigan on the Senate floor, the chairman of the committee, and the distinguished Senator from Alabama, a key member of the committee. I will speak on the Wartime Enforcement of Fraud Act. This was introduced last night. It is one I hope the Senate will wholeheartedly accept.

For more than 5 years, America has been fighting wars in Iraq and Afghanistan. In fact, we have been there longer than we were in World War II. But efforts to investigate contracting fraud during these wars continue to lag. Part of the reason is not because the authorities don't want to find out whether there has been fraud, but it is difficult to uncover fraud when you are in a shooting war and conflicts continue.

The problem is not new—this has happened before—and the solution is not new. Current law extends the statute of limitations for contracting fraud offenses during wartime to address this problem. In other words, if fraud has occurred, you have a certain statute of limitations. We would simply extend it. This commonsense law was passed by Congress during World War II with the support of President Roosevelt. A similar provision was passed in World War I. Those were wars in which we were involved for less time than we have been involved in Iraq and Afghanistan. Current law only applies to declared wars and not to circumstances where Congress only authorizes the use of military force rather than officially declaring war. So the extension of the statute of limitations doesn't apply to the ongoing wars in Iraq and Afghanistan.

The bipartisan Wartime Enforcement of Fraud Act will close that technical loophole. It will apply the law that we already have on the books, but it will apply it not only to declared wars but also to the wars in Iraq and Afghanistan. I was pleased to join with Senator GRASSLEY of Iowa earlier this year to introduce this legislative fix, and the Judiciary Committee reported this measure before the August recess. With each passing day, we are losing the legal authority to prosecute fraud in Iraq and Afghanistan because the existing law that extends the statute of limitations does not apply to these wars.

We have an obligation, no matter whether one is for or against the war in Iraq, to protect the public interest and certainly to protect taxpayer dollars during times of war. This simple amendment will allow us to do so. We have done that in past wars. Iraq and Afghanistan should be no different.

We have well-documented reports of fraud and abuse, as we have seen in

other wars. When we are spending billions of dollars, often in a hurry, it is an open invitation for people to put their own interests ahead of the interests of the country, and those people who then defraud our great Nation at a time of war should be punished for it. They should not be let off the hook. Too many brave men and women are putting their lives on the line in Iraq and Afghanistan. Too many brave, patriotic Americans are doing everything they possibly can over there, risking and often losing their lives every day. We should not allow those who want to make money out of their sacrifice and defraud the Government to get away with it. The bill being paid by the American taxpayers for the wars in Iraq and Afghanistan is high enough. As in past wars, Congress should do all it can to ensure their money is not lost to waste and fraud.

I hope Senators will join in this effort. This is not creating a new crime. It is simply saying those who do commit crimes, who do defraud America, who do defraud people who are over there serving our country, ought to be punished. I find it hard to think Members would disagree with that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator LEAHY for his amendment and his interest in dealing with a difficulty that has impacted real life. Contractors should be held to account, and there is difficulty in gathering the evidence necessary in a prompt way in a time of conflict to effectively carry out prosecutions—I can see as a former Federal prosecutor—within the time of the statute of limitations. There is only one concern I have about it, and I will address that in a moment.

But, fundamentally, the Senator is correct. We have discussed this a good bit in the Judiciary Committee, where Senator LEAHY is chairman. We did the Military Extraterritorial Jurisdiction Act that I sponsored and led the first one of those. We do have to be careful because it can have unintended consequences.

The trial of a marine in California for an act in Iraq that he was acquitted for just a few days ago resulted from the bill that we passed. I don't think any of us at the time thought that we were subjecting military persons to a civilian trial when we were dealing, we thought at the time, with defense contractors. We need to be careful as we deal with the issue. I know Senator LEAHY agrees with that. For the most part, I understand and support what he is attempting to do.

The statute of limitations is an important principle of law. It is something as a Federal prosecutor, as attorney general of Alabama, I had to deal with on many occasions. My colleagues probably know that an individual who commits armed bank robbery, if he is not prosecuted within 5 years, cannot be prosecuted. If a person commits

arson, they can't be prosecuted. It is not from the time of discovery of the offense, it is from the commission of the offense because we are talking about criminal law. We have a great heritage of understanding the difficulties faced when we put somebody in jail based on old evidence that is somewhat difficult to deal with.

With regard to civil actions, we have a number of statutes of limitations that commence on discovery of the wrong, but for the most part, except for murder, certain crimes, I think for almost all crimes dealing with death and maybe one with child sexual abuse, there is a limited statute of limitations.

The statute of limitations on most crimes in the Federal court, even serious ones, is 5 years. I do believe during the debate that we extended the statute on S&L fraud to 8 years. The truth is, these savings and loans would go bankrupt 4 or 5 years after the crime was committed. Then it takes 2 or 3 years to investigate it. By then the statute had run, and you have, red-handed, defrauding the people, and you couldn't prosecute the case. I understand the difficulties we are dealing with here.

Mr. LEAHY. Will the Senator yield for a moment?

Mr. SESSIONS. Yes.

Mr. LEAHY. We also have the case that most jurisdictions are under a statute of limitations. If you have a crime within a jurisdiction, but then the person flees to escape prosecution, the statute does not run in that circumstance. While this is not on all fours, when you have a war situation where people are shooting each other, it is very difficult to go over and just gather the evidence.

The Senator is absolutely correct. The bank robbery that occurs, you know it occurred at that moment. Somebody came in, put a gun to the teller's face, and stole the money and left. The investigators immediately start investigating the crime. Because of the person's jurisdiction, you have to investigate the crime and arrest them within the 5 years. Here the difficulty is investigating the crime when many times it is hidden. The crime is hidden, using the savings and loan example. I am simply trying to do what we did in World War II and World War I—I don't recall whether we did it in Korea or not—in past wars. I have a reluctance to give any cover to those who defraud us. We have so many contractors over there who are putting their own lives on the line, playing by the rules, doing everything right. They should be commended for that. We have others who try to take advantage of this situation when others are putting their lives on the line and sometimes losing their lives. We ought to nail them. I think we ought to nail them very hard.

Mr. SESSIONS. I agree. That is why we have passed the Military Extraterritorial Jurisdiction Act, why

we have expanded it, under the leadership of the chairman. I supported making sure that contractors were fully covered from the original act based on a crime that came to my attention where a young person was sexually molested and the host country didn't want to prosecute it and they couldn't be tried and court-martialed because the person was a contractor, not a military person. We made that possible.

Since we are in a world in which some of these authorizations to use military force may be very long indeed, it is determined not by what we do so much as by the actions of the enemy; that is, if they continue to attack us, I think our authorization of military force will continue many years perhaps. If the conflict ends, it could be ended sooner. So we could be in a position, just as a matter of law, of limiting the amount we are exposing a contractor to of criminal prosecutions for something that happened many years before, when actually in the fog of war, sometimes it is more difficult to handle things correctly. It would be certainly more difficult to gather evidence, and it is more difficult to get witnesses here and that kind of thing.

My suggestion would be that we do as we did with the statute of limitations on S&L fraud but have some sort of definite end to it because some of these extended wartime efforts could go on for a number of years. I don't see as a matter of principle, not specific facts, why a contractor who commits fraud in the United States gets the protection of a 5-year statute, even if it is against the Department of Defense, but one in Iraq, in the chaos of war that even affects them—their ability to maintain discipline over their workers is sometimes more difficult, frankly—that they would be prosecuted with an unlimited statute of limitations. That is something we could discuss, and I ask the Senator to think about it. I don't take any fundamental objection to the work he is doing. It is fundamentally sound and good, and I support it.

I will say this, if I could: In *Toussie v. United States*, the Supreme Court held:

The purpose of a statute of limitations—

Which I want to say is available in all cases, for all kinds of crimes, except very few, such as murder—

The purpose of a statute of limitations is to limit exposure to criminal prosecution to a certain fixed period of time following the occurrence of those acts the legislature has decided to punish by criminal sanctions. Such a limitation is designed to protect individuals from having to defend themselves against charges when the basic facts may have become obscured by the passage of time and to minimize the danger of official punishment because of acts in the far-distant past. Such a time limit may also have the salutary effect of encouraging law enforcement officials promptly to investigate suspected criminal activity.

The Court has further held:

Passage of time, whether before or after arrest, may impair memories, cause evidence to be lost, deprive the defendant of wit-

nesses, and otherwise interfere with his ability to defend himself. . . . Possible prejudice is inherent in any delay, however short; it may also weaken the Government's case. . . . Such a [statute of] limitation is designed to protect individuals from having to defend themselves against charges when the basic facts may have become obscured by the passage of time and to minimize the danger of official punishment because of acts in the far-distant past. Such a time limit may also have the salutary effect of encouraging [cases to be prosecuted promptly].

But I will say that is the only concern I have. I thank the Senator for raising this issue. It will definitely close a loophole.

I would note I had the honor last night to be on an airplane coming back from Alabama sitting by a young individual who served 2 years as a contractor in Iraq. He is going back for a third year. We talked about some of these things. I did not know this amendment was coming up. But he talked about that some of the people do not perform very well. Many of them are very hard working. Many of them are former military people who served with great distinction.

But in this time of war, some people do lose their discipline, and fraud is a matter of real risk. We do need to watch every penny, and we certainly do not need to have unscrupulous contractors billing the American people for work they do not perform, for making false claims to the Government. I think a statute of limitations probably needs to be extended in this case.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, this is an important amendment that appropriately recognizes the United States is now engaged in combat operations in Iraq and Afghanistan without a formal declaration of war. The amendment takes the appropriate step of modifying the statute of limitations to cases in which the use of force has been authorized without a formal declaration of war.

I very much welcome—and I am sure Senator LEAHY does as well—the support of the Senator from Alabama. I do not know of anybody else who wants to speak on this amendment. Unless the Senator from Alabama does, I will suggest then that we move on to the next amendment.

I understand there is going to be a unanimous consent request that may interrupt that flow, but before we get to that, if the Senator from Alabama knows of no other—first of all, let me ask the Senator whether he does know of any other speaker on the amendment.

Mr. SESSIONS. Mr. President, I am not aware of any.

Mr. LEVIN. Is the Senator willing to have this amendment voice voted at this time?

Mr. SESSIONS. I would like to discuss that a little more with Senator LEAHY, and perhaps he will convince me that my suggestion is not wise, so I would object at this time.

Mr. LEVIN. All right. If we could get the yeas and nays on this amendment so we could move on.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, I understand, under the current order, we would now be moving to consideration of the Vitter amendment regarding missile defense for 2 hours of debate. Those who are interested in that amendment are urged to come to the floor so we could begin that debate. But at this time I will yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent that I be recognized for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOVERNMENT SPENDING

Mr. COBURN. Mr. President, I heard, this morning, the majority leader talk about the objection to the request by Senator GREGG. I do not believe there is anybody in this body who does not want us to fix the highway trust problem, and it will probably be the fact that there will be no amendments offered at the direction of the majority leader, which I think is probably somewhat tragic because we would not be able to have the debate we need to have on this issue.

But it should not be lost on the American public that some \$16 billion in the last highway bill was not for roads, bridges or highways. One of the amendments that was going to be discussed, had we had the opportunity to amend it—which we are not because the majority leader is not going to grant that opportunity—was the idea that of the \$8.5 billion we are going to put in there, no new projects ought to be started unless they are for roads, bridges or highways. In other words, we should not be building museums. We should not be building parking garages. We should not be doing ancillary work that does not have anything to do with true transportation needs associated with the trust fund. That was the only amendment we were going to offer.

All the States are going to be at a significant disadvantage if we do not do this. But I found it somewhat curious that before we left we had an omnibus bill that had to spend \$10 billion. We had to do it. We were contrasted as terrible because we did not agree with it. Now we have \$8 billion, and we want to do it, we want to debate it, and we are not going to be allowed to debate or amend it. I would think that is to the detriment of the body, that, again, we are losing the history of this body, we are losing the deliberative nature of the body, and at the whim of the majority leader, because we have an emergency, we have to have a unanimous

consent, we do not even have to have a vote, and that is the only way we can do it. I think it hurts the institution in the long run.

As far as what Senator REID said about the omnibus package he put forward, let me correct the RECORD. First of all, the childhood cancer bill was agreed to by unanimous consent. It was not even a part of that package he claimed it was. The irony is, as we heard from the majority leader's statement today his disdain for the largest deficit in history, do you realize the President of the United States cannot spend one penny unless we let him? If there is a deficit in this country, it says a whole lot more about this body and the House than it says about the President. We are the ones who approve the spending.

So far, this year, we are going to spend off-budget about \$270 billion. Where is that money going to come from? It is going to come from the next two generations paying it back. So I find it curious we have to have a bill that spends \$10 billion and then we are critical of the deficit and now we have to have a bill that is going to spend \$8 billion, but we cannot have any amendments and we cannot debate it in a thoughtful way and still get it done this week. We could get it done in less than 2 or 3 hours.

It shows you the lack of consistency. To be fair, Senator REID has a very difficult job. This is a hard place to manage, there is no question about it. But we are getting on the edge of a lack of fairness. We are getting very close to an edge where the traditions of the Senate are going to be thrown out the window.

As we look at it, as Senator REID complains about the deficit, I would remind that he sponsored \$531.2 billion worth of new spending in the 109th Congress. So far, he has sponsored \$56.7 billion in the first 8 months of 2007. So it is another \$150 or \$200 billion in this Congress. We cannot continue to have more and more new spending without getting rid of some of the spending that is not effective.

So when we have the claims that we are disgusted with the deficit, and then we can have \$500-plus billion sponsorship of new spending and routine votes against an earmark moratorium, against the idea of stealing money from Social Security to spend new money, against amendments that say we have a moral obligation to offset the cost of new spending so we do not charge it to our children, against prioritizing the reconstruction of Louisiana bridges instead of earmarks in Alaska, these are the votes of Senator REID.

So the disdain for the—and I have three pages of them by the way, all similar. So the fact is, our country is in trouble right now. We are going to have a trillion-dollar—a trillion; that is with a “T”—deficit next year. We have \$382 billion worth of documented waste and fraud every year in this Gov-

ernment. We have not had one amendment to get rid of any of it in this body this year that has passed, save the hippie museum in New York. That is it. We saved \$1 million out of \$380 billion of waste, fraud, and duplication.

So it rings hollow to come down and complain about the administration when they cannot spend one penny we do not send to them. We are at least as culpable and liable as the administration in terms of this deficit. To say we cannot debate and clean up the priorities of the transportation fund by saying it is going to be spent on some of the 240,000 bridges that are in desperate shape in this country and spend the money on highways and roads and bridges and not other things that benefit Members of this body but do not benefit the majority public and are outside the transportation goals of every State transportation department in this country rings hollow.

There are a lot of great things we can do. We can help people with disease. We can solve problems. He mentioned the Emmett Till bill. He objected twice to a compromise that the Emmett Till board had agreed to—twice—that Senator DODD had agreed to, that Senator BIDEN had agreed to. As far as the child pornography, Senator DODD and Senator BIDEN had agreed to that too. It was offered as a unanimous consent request twice. Both had agreed to it.

Is this about politics or is this about doing things for the country? I would tell you the evidence shows it is about politics. We need to wake up. Our country is at a crossroads. We had Fannie Mae, Freddie Mac taken over. The first number, of course, is low: \$200 billion. It is going to be \$600 or \$700 billion that we are going to charge to our kids for the mismanagement of those two agencies. That is going to get added next year. We are getting ready to do another emergency supplemental that everybody is piling things on. It is going to be \$50 or \$60 billion. It is going to be another free-for-all. It is going to fly through here in spite of my votes against it. We are going to do another stimulus package—none of it we have the money for. We are going to borrow every bit of it. We are compounding to make the problems worse. Because we will not work on the \$350 to \$380 billion worth of waste, and we would not even put an effort out toward that, we are going to continue to see a downward spiral in our economic position in this world.

So I would think most Americans, as we add \$8.5 billion back to the highway trust fund, would want us to see that it goes for highways, bridges, and roads, not for earmarks, special pork projects that make us look good at home that are outside the boundaries and the priority lists of the State departments of transportation. That was the amendment I was going to offer. I knew I was going to lose, but we ought to have the debate.

The fact is the majority leader does not want us to have the debate. We

could dispense with the bill in less than 3 hours, be done with it, and it could be going to the President, but we have decided we want to make it political. It is not about what is best for the long-term interests of this country, but about what is best for the upcoming election in November. To me that is a disservice to this body and it is a disservice to the American people.

I yield the floor.

Mr. SESSIONS. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VITTER AMENDMENT NO. 5280

Mr. VITTER. Mr. President, I ask unanimous consent to call up Vitter amendment No. 5280.

The PRESIDING OFFICER (Mr. CASEY). The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself, Mr. INHOFE, and Mr. KYL, proposes an amendment numbered 5280.

Mr. VITTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize, with an offset, an additional \$100,000,000 for Procurement, Defense-wide, and an additional \$171,000,000 for Research, Development, Test, and Evaluation, Defense-wide, for near-term missile defense programs and activities)

At the end of subtitle C of title II, add the following:

SEC. 237. ADDITIONAL FUNDING FOR THE MISSILE DEFENSE AGENCY FOR NEAR-TERM MISSILE DEFENSE PROGRAMS AND ACTIVITIES.

(a) ADDITIONAL AMOUNT FOR PROCUREMENT ACTIVITIES.—

(1) ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated by section 104(1) for Defense-wide procurement is hereby increased by \$100,000,000.

(2) AVAILABILITY.—Notwithstanding section 1002, of the amount authorized to be appropriated by section 104(1) for Defense-wide procurement, as increased by paragraph (1), up to \$100,000,000 may be available for the Missile Defense Agency for the Terminal High Altitude Area Defense (THAAD) system for the purpose of advanced procurement of interceptor and ground components for Fire Unit #3 and Fire Unit #4, including component ANTPY-2.

(3) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose set forth in that paragraph is in addition to any other amounts available in this Act for such purpose.

(b) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ACTIVITIES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by \$171,000,000.

(2) AVAILABILITY.—Notwithstanding section 1002, of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, as increased by paragraph (1), amounts are available to the Missile Defense Agency as follows:

(A) Up to \$87,000,000 for Ground Based Mid-course Defense for purposes as follows:

(i) To implement a rolling target spare.

(ii) To maintain inventory for additional short-notice test events.

(B) Up to \$54,000,000 for the purpose of equipping two Aegis Class cruisers of the Navy with Ballistic Missile Defense Systems (BMDSS).

(C) Up to \$30,000,000 for the purpose of reducing the technical risk of the Throttleable Direct and Attitude Control System (TDACS) for the SM-3 Block 1B missile in order to meet the needs of the commanders of the combatant commands as specified in the Joint Capabilities Mix Study.

(3) SUPPLEMENT NOT SUPPLANT.—Amount available under each of subparagraphs (A) through (C) of paragraph (2) for the purposes set forth in such paragraph are in addition to any other amounts available in this Act for such purposes.

(c) OFFSET.—The amount authorized to be appropriated by this division (other than the amount authorized to be appropriated for Defense-wide procurement, and for research, development, test, and evaluation, Defense-wide, for the Missile Defense Agency) is hereby reduced by \$271,000,000, with the amount the reduction to be allocated among the accounts for which funds are authorized to be appropriated by this division in the manner specified by the Secretary of Defense.

Mr. VITTER. Mr. President, I urge all of my colleagues, Democrats as well as Republicans, to come together on this important amendment to ensure that we have robust, full missile defense capabilities in this era of real threat, real uncertainty from terrorists, rogue nations, and others.

Tomorrow is September 11. It will mark the 7-year anniversary of one of the most tragic days in our Nation's history—a day in which 19 radical Islamic extremists believed their actions could cripple this great Nation. The good news is that those 19 extremists were wrong. Rather than cripple our Nation, they focused our Nation on the threat we face. They brought our Nation together with new resolve and with new strength. They gave our generation a new central and defining challenge to work to prevent any future attacks, particularly on our soil, and to make sure that terrorists and rogue nations never acquire weapons of mass destruction.

As part of facing this clear and present danger, the American public understands that we need a robust missile defense system. According to a national poll released today by MDAA, 87 percent of Americans believe the United States should have a robust missile defense system—the highest percentage of support ever recorded. The poll also showed that 58 percent of Americans believe there is a real threat from missiles carrying weapons of mass destruction, and that missile defense is a preferred option over preemptive military action.

Rogue nations, regardless of sanctions or disarmament deals, continue to pursue ballistic missile technology capable of one day carrying nuclear weapons, and this poses an enormous threat. On July 9 of this year, Iran tested nine ballistic missiles as part of their escalation in terms of military exercises and political rhetoric, and they are a clear example of this threat I am talking about. Currently, the United States has fully operational, deployed missile defense systems that can stabilize the region that Iran sits in—the Middle East—but we need to make sure we have the full capability to bring to bear to do this. In this situation, missile defense can stabilize a situation, can provide enormously important defense for our country and for our allies, and can avoid much more widespread war. That is the reason 26 countries of NATO have fully endorsed this missile defense plan, with a third site in Europe. It is the reason the Czech Republic agreement on missile defense is valid and is moving forward. It is the reason why 11 Congresses and 4 U.S. Presidents have moved forward on this important part of our national defense. The Vitter amendment No. 5280 will move that part of our national defense forward in a significant way.

What does it do specifically? Specifically, this amendment provides \$271 million to the Missile Defense Agency so that it responds to near-term—very near-term—ballistic missile threats to the United States, our deployed forces around the world, and our allies. This amendment is fully offset within the bill.

The Senate Armed Services Committee itself noted in its committee report that the Joint Capabilities Mix Study conducted by the Joint Staff concluded that the United States needs about twice as many THAAD and Standard Missile 3 interceptors as the number currently planned. So we need twice as many as what is currently planned. Yet, at the same time, the committee unfortunately cut \$411 million from the budget of the Missile Defense Agency. This Vitter amendment would reinstate \$271 million of that cut. It would do that in four areas in particular:

Aegis cruisers. It would authorize \$54 million to accelerate upgrade with an additional two Aegis cruisers to equip it with ballistic missile defense systems.

It would authorize an additional \$100 million for THAAD fire units 3 and 4 interceptor and ground component advanced procurement.

SM-3 Block 1B risk reduction. It would authorize another \$30 million to reduce SM-3 Block 1B schedule and technical risks.

Targets. It would authorize \$87 million to implement a rolling target spare and maintain minimal inventory to have full targets for our testing and production capability.

This is sorely needed so that we ensure our citizens that we have the mis-

sile defense deployed that we need in this very dangerous world.

Again, this concept was first developed by President Reagan when the Cold War was still raging, when the Soviet Union was still our primary threat in the world. Obviously, the world has changed in fundamental ways since then, but it has only changed in ways that make missile defense even more important than ever before, because the threat from rogue nations, from terrorist States, and from terrorist groups has grown enormously and missile defense is even more important in light of that growth.

I urge all of my colleagues to come together in light of that on the eve of September 11, on the eve of the seventh anniversary of that tragic attack on our Nation. We must restore this \$271 million, at a minimum, in this bill to the Missile Defense Agency. As I said, the committee itself noted that the Joint Chiefs report says the United States needs about twice as many THAAD and Standard Missile 3 interceptors as the number currently planned. Yet the committee cut \$411 million from that missile defense budget. We must restore at a minimum this \$271 million to continue to meet this vital need for our citizens' safety.

With that, I yield to the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I come to the floor today to support Senator VITTER's amendment to authorize the additional \$271 million which is fully offset—it is fully offset—to the Missile Defense Agency.

The importance of missile defense is increasingly crucial to the safety of the United States and our allies. The United States must maintain the capability to respond to near-term ballistic missile threats that present grave danger to the United States, our deployed forces, and our allies.

We know that rogue nations such as Iran and North Korea will have the capability to use nuclear weapons. We cannot escape the fact that this widespread proliferation of ballistic missile technologies makes it increasingly possible for dangerous States and terrorist organizations to obtain and use them for harm.

We are in a crucial time in our Nation's history and we should understand the importance of defense of the homeland. I am frustrated that as other nations continue to develop nuclear programs, that as Russia has demonstrated a renewed capacity for aggression, that as China and North Korea press forward on missile technology, the Armed Services Committee cut more than \$411 million from the administration's request for the Missile Defense Agency's program.

The United States has worked hard to reach agreements with the Czech Republic and Poland to establish ballistic missile defense radar sites. This was a monumental and important step

in our efforts to protect the United States as well as our NATO allies from the growing threat by the proliferation of ballistic missiles. Radar will provide precision tracking of ballistic missiles launched out of the Middle East and will be linked to other U.S. missile defense facilities in Europe and the United States. Cuts to our missile defense program simply undermine this progress and signals to NATO that the United States is backing away from our commitments to a European missile defense.

This amendment will authorized \$54 million to accelerate and upgrade an additional two Aegis cruisers to equip with ballistic missile defense systems.

Admiral Hicks, program director for Aegis BMD, recently stated the need for additional Atlantic fleet ships for defense of the United States, our allies, and our deployed forces.

The amendment will authorize an additional \$100 million for THAAD fire units interceptor and ground component advanced procurement. It will authorize an additional \$30 million to reduce SM-3 schedule and technical risk. This is the premier missile defense cooperation program with our Japanese allies. And it will authorize \$87 million for a target spare and to maintain minimal inventory as contingency for additional short notice test events for the Ground Based Midcourse Defense. This is Missile Defense Agency's top unfunded priority. The SASC Committee report notes that for some MDA systems the Director of Operational Test and Evaluation requires additional tests to prove out capabilities, which necessitates additional target sets.

There is no doubt that the United States will continue to face missile threats. Missile defense is needed and should have been made a priority of this committee and by this Senate. I thank Senator VITTER for bringing this amendment to the floor, and I urge this Senate to vote yes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I, too, very strongly support the amendment offered by Senator VITTER. This is an amendment that restores only part of the funding that was cut from the missile defense programs—only \$270 million of the \$411 million that was cut—and it is targeted to very specific things that have near-term applicability, and that enables us to do more testing, which has been the only criticism of which I am aware of the Missile Defense Program—that we need to do additional testing. Part of this money, as I will discuss in a moment, gives us the ability to conduct some of those tests.

So the key point is, we are talking about near-term ballistic missile threats to the United States. This isn't some long-term, pie-in-the-sky proposition. It would assist both our allies and also U.S. forces deployed abroad as well. It is common sense. I hope it re-

ceives wide bipartisan support. I believe there is bipartisan support for this issue.

Let me discuss, first, a little about what some of the near-term threats are. They are both from belligerent nations and, as we will see in a moment, one from a country in particular that is not yet capable of communicating appropriately with its forces, with the result that there is a threat of accidental or unauthorized launch. We sometimes forget that. We are consumed with North Korea and Iran, and therefore we appreciate the fact that we have to have some capability of protecting ourselves and our allies from potential threat from those countries. But one of the reasons President Reagan first thought it would be a good idea to have a missile defense system is, he said it is moral. Not only does it give an alternative to massive retaliation against an enemy, but it also provides protection in the event there is an unauthorized or accidental launch.

In the early days of missile development, that was not at all outside the realm of possibility. With what happened to the Soviet Union when it broke up, that possibility was raised again. Now, as we note in the case of China, developing sophisticated weapons, but without the infrastructure to control those weapons, there is again the potential for an unauthorized or accidental launch, not to mention the situation with countries such as North Korea or Iran. We are not just talking about a threat of belligerency but also the potential for an accident, and missile defense, of course, is the primary way of defense against an accidental launch.

Just to summarize briefly, there are now 27 nations that have ballistic missile capability. We tend to think of Russia, China, North Korea, Iran, and maybe a few other countries, but 27 nations have ballistic missile capability, and the knowledge to build and use them is proliferating rapidly. Much of this is because countries such as North Korea are willing to sell missiles, such as the Scud which Iraq used, and they then develop their own types of missiles with that technology. But there are 27 countries. We will not be able to put that genie back in the bottle. Talk about Iran.

Some people say, well, the launch of all of these missiles earlier this year they took pictures of and then doctored the pictures might have been clumsy and didn't demonstrate new technology. It did demonstrate that Iran wants to be part of the club of nations with ballistic missiles and weapons of mass destruction capability. They have that capability. There is no question they have it. The only question is, how far beyond Israel does its capability currently go?

As the latest IAEA report informed us, the Iranian missile threat is real and growing. I mentioned North Korea. With the difficulty of knowing who is

in charge of North Korea today, we need to be concerned. We don't even know if the "dear leader," or however he is referred to, is still alive or is functioning as the leader of the country. As a result, that country that has nuclear weapons, other weapons of mass destruction, and the means to deliver them by ballistic missiles that can even reach the United States ought to be a matter of concern for us.

Fortunately, the United States had made operational our first land-based system just before the big July 4 launch a couple years ago by the North Koreans. We could have defended against that test launch had we had to do so, but with very rudimentary capability. The intelligence community "deems that North Korea is nearly self-sufficient in developing and producing ballistic missiles and is willing to provide them to existing and new customers." Some of these are capable of reaching the United States. So you have a real and growing threat from a country that is clearly not stable.

I mentioned China. It has for a long time had the capability of delivering weapons of mass destruction to the United States with its ballistic missiles. There is an interesting new twist. The 2008 annual report on the People's Republic of China raises serious questions about the potential for an accidental or unauthorized launch. This is a nation which, by the way, is increasing its arsenal of ballistic missiles. In addition to that, it has a very robust program to modernize its nuclear weapon warheads. So it has the combination of the warhead and improved capability. This report says China has problems communicating with its submarines at sea. This is very dangerous, with a navy that has no experience in performing strategic protocols of the kind Russia and the United States have performed for years. What's more, the land-based strategic missile forces "face scenarios in which missile batteries use communication links with higher echelons and other situations that would require commanders to choose alternative launch locations."

The bottom line is, whatever you think about a potential threat from an enemy, you have to be concerned about protecting against an accidental or unauthorized launch. Missile defense is the way to do that. As a result, I hope those folks who say, well, China isn't an enemy of the United States today, would at least acknowledge while that may be true, it is also true it has the capability of harming the United States accidentally or in an unauthorized fashion, and missile defense is our only way to protect against that. I think it would be an awful situation if something like that were to occur and the United States Congress would be asked by our constituents: Did you all know about this?

Well, yes.

Did we have the ability to do something about it?

Yes.

How much did it cost?

Not all that much, as these numbers reflect.

And you didn't put into place a program to protect us against that?

I think we ought to put this program into effect. I support the amendment of the Senator from Louisiana.

Let me describe again what specifically is in the amendment to assure our colleagues that this is not some massive expansion or pie-in-the-sky proposition. It authorizes funding, first, for the advanced procurement of two THAAD fire units. That is the terminal high altitude area defense, the near-term threat—our capability of meeting that threat.

Second, risk reduction for the development of an advanced version of the SM-3 missile—that is kind of a standard critical missile in the U.S. inventory—additional target sets to respond to additional testing requirements set by the Defense Department's Director of Operational Test and Evaluation.

Frequently, the concern is expressed: Well, we should not be moving forward with missile defense programs because we have not adequately tested yet. These are, of course, programs that have been tested a lot. They are the near-term threats. But to the extent that the Department's Director indicated there are additional tests that could be done, this provides the target sets for those tests. You cannot conduct the tests without it. For those who criticize the program for not having enough tests, this is the *sine qua non* for getting tests done. You have to support this.

The amendment also authorizes funding to accelerate upgrades of two additional Aegis cruisers to equip with the ballistic missile defense systems. This is something that I think virtually everybody in Congress, and certainly at the Pentagon, is supportive of—the ability of the Aegis cruisers to carry this defense to other parts of the globe so that it can more readily respond to a launch. This would be the perfect way of responding to that accidental launch I mentioned.

Admiral Hicks, the program director for the Aegis BMD program, stated the need for additional Atlantic fleet ships to keep a presence there as well. That would defend against a threat from a country such as Iran. The Armed Services Committee, in its report accompanying the bill, stated the joint capabilities mixed study, conducted by the joint staff and combatant commanders, concluded that the United States needs about "twice as many THAAD and standard missile interceptors as the number currently planned." This doesn't by any means fulfill that entire requirement, but it lays the foundation for doing so. I think that is another critical reason for this amendment.

As I said, the committee cut \$411 million from the budget of the Missile Defense Agency to procure these systems. I don't understand why the committee would both acknowledge the need for

additional missiles and then cut the items out. I understand the committee has a lot of different constraints, different needs, and it is difficult to satisfy everybody. You have to cut somewhere. But I think my colleagues would agree that the relatively modest increase that the Vitter amendment provides is for very specific things, recognized by the committee itself, recognized by the combatant commanders, as needed. There is nothing new here or nothing that is pie in the sky. These are things that are required. We need them now.

With regard to the testing, if the criticism is that we need more tests, this provides funding for those tests.

Mr. President, it is a commonsense amendment. It is limited. It is all backed up; all of the requirements are fully supported. I urge my colleagues to support this amendment. There is a lot going on in this world. Unfortunately, when you are doing something as complex as developing missile defense systems, there is a long lead time. It takes a lot of technology and testing and so on. So you cannot wait until the last minute to put this into effect. That is why this should be carried forward in the authorization for this year's defense programs.

I commend the committee for its work. It basically acknowledged the need for these things. I appreciate that it sometimes has to make cuts. I ask my colleagues to recognize this is an area in which we cannot afford to try to do it on the cheap. Therefore, I urge my colleagues to support the Vitter amendment.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I want to respond to the Senator from Arizona, who is my friend. But I want the Senator to understand that the committee did not cut THAAD nor the Aegis. To the contrary, the committee raised, for the very reasons the Senator from Arizona said—that we need more THAAD for our area commanders—we raised that \$115 million, as well as the Aegis ballistic missile defense. We raised that \$100 million from what was requested. So let's make sure we know what we are talking about.

Mr. President, what this all boils down to is the National Missile Defense Program is requested by the administration for \$9.3 billion of authorization in this bill. In essence, this whole argument is that the committee has pared back that \$9.3 billion request by \$400 million.

That is what all this argument is about. It is an attempt to increase back that funding of a *de minimis* cut in a \$9.3 billion program. Given all the other requirements we have in the U.S. Government and given all of the other requirements we have in the Department of Defense, should we have a modest decrease from the President's request of \$9.3 billion in 1 year?

I suggest that there are so many other demands. Think about body

armor. Think about getting the V-shaped hulls of MRAPs that are so resistant to the improvised explosive devices they run over on the road and that are saving marines' and soldiers' lives. Ask any commander in Iraq or Afghanistan what are their high priorities. Ask the commanders if THAAD, which is an intercept that can be launched from a mobile launcher, is an important program to them to intercept an incoming intermediate-range missile and you will get a quick answer from those military-area commanders that is what they want.

That is the philosophy we have tried to adapt in this bill and at the same time allow national missile defense research to continue but recognizing there are other priorities besides national missile defense. So we just took a *de minimis* cut out of a \$9.3 billion request by the President. That is what all of this flap is about here: Is national missile defense going to have a minor cut so that we can do some of these other priorities for protecting our troops and satisfying their commanders' requests? That is what all this is about.

The Vitter amendment proposes to cut \$271 million from the rest of the Defense Department and add it to the Missile Defense Agency. This is not funding that the Defense Department has requested. These are programs that are fully funded in our Armed Services Committee bill. But this amendment would give the Secretary of Defense an extraordinary and unwarranted power; that is, the power to cut any items in the defense budget that the Congress is putting in here in order to pay for this increase in an already flush national missile defense budget we have provided.

As the chairman of the Strategic Subcommittee, I can tell you that we have some of the Nation's most sophisticated weapons systems, many of which we cannot even speak about here because of their classification. This is not a good allocation of priorities.

I don't think we would want to give the Secretary of Defense the authority to ignore the will of Congress.

For example, would we want the Secretary of Defense to be able to go in and, in order to fund this amendment, cut body armor or would we want him to be able to go in and cut what the commanders in Afghanistan now are begging for—more of these V-hulled vehicles, which replace the humvees, that are saving our boys' and girls' lives called the MRAPs? Of course, we don't want that.

Would we want the Secretary of Defense to have the authority to go in and cut \$271 million from the \$430 million in the bill for sustaining the Joint Strike Fighter, its alternate engine which the Department supports? Of course, we wouldn't want to give the Secretary power to do that.

Would we want to give the Secretary the power to go in and totally wipe out the additional \$118 million we provided

in this bill for operating a full B-52? The Department opposed that. Would we want to give the Secretary the ability to override the will of Congress to do that?

How about the F-22, the most sophisticated fighter aircraft? Would we want to give the Secretary of Defense the power to go in and cut half of the \$500 million we have provided in this bill for advance procurement of the F-22? I don't think we would want to do that, but that is what we would do, is give the Secretary the power to do that if this amendment is adopted.

Would we want to give the Secretary the power of reducing the Army budget request of \$512 million for the Patriot missile? Talk about countries and allies and force protection for our own troops of incoming warheads—the Patriot missile is a quick-reaction missile that intercepts those incoming missiles on our troops in a theater. Would we want to cut the increase we provided in this bill? This amendment would give the Secretary the power to do that.

Would we want to eliminate the proposed addition of \$170 million for advance procurement of another amphibious ship called the LPD-17? I don't think that is what we want to do, but that is what this amendment is going to do, all under the ideology that we haven't provided enough for national missile defense. But we have provided almost \$9 billion in this bill for it.

We have to set priorities and we have to allocate for programs that we want to make sure are there for the protection of our troops and our allies, and that is what we tried to do. Didn't we have a unanimous vote coming out of the committee for all of these priorities? We did. So why do we want to suddenly change the unanimous, bipartisan support of the Senate Armed Services Committee to adjust all of these priorities? Why would we want to change that? Because there are some people who say ideologically we want to pour more and more money into national missile defense. Isn't \$9 billion enough for 1 year?

This Senator respectfully requests that the Senate listen to reason and common sense in the allocation of priorities. The committee recommends already—as I stated to Senator KYL, we have added \$215 million for THAAD, which is the terminal high-altitude aerial defense which commanders are requesting, and we have also added that total amount of money, including the Aegis Ballistic Missile Defense Program, which is launched from a ship and is very effective for incoming warheads.

We certainly agree there are potential threats from North Korea and places such as Iran, but those threats are generally in the neighborhood of where they are. That is why Aegis from a ship is so effective, and that is why THAAD from a mobile platform is so effective. We have plussed up those programs. They shouldn't be cut. But the Secretary of Defense, under this

amendment, would have that authority.

The Vitter amendment would not make any choices about where the additional money to provide for this plus-up to an already rich and robust national missile defense budget would come from. This amendment would not make any choices about where that additional money would come from. So what it says is that this \$271 million in additional funding for missile defense, programs that we have either fully funded at the level requested by the Pentagon or increased in our committee bill by \$215 million—that program is so important that the Secretary of Defense could cut any other funding program in the Pentagon to pay for it. I don't think that is a responsible way to go.

This Senator, as the chairman of the Strategic Subcommittee, will oppose the amendment. It is my hope that Members on both sides of the aisle, members of the Armed Services Committee, will support the committee product.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let me respond to a couple of points that were made, and then Senator VITTER wishes to make some additional comments.

The Senator from Florida suggested that I have said that THAAD was cut. I don't believe I said that. What I did was quote from the Armed Services Committee in its report on this bill in which it is stated that the Joint Capabilities Mix Study, conducted by the Joint Staff and combatant commanders, concluded that the United States needs "about twice as many THAAD and Standard Missile-3 interceptors as the number currently planned."

My point was that by what the Senator from Florida calls a de minimis and minor cut of \$411 million—I guess only in the Senate could someone consider \$411 million de minimis money. That is a lot of money, and it is taken out of the Ballistic Missile Defense Program. I guess what the Senator was saying is that cut doesn't hurt the THAAD Program or the Aegis Program. The committee referred to the study which said we need twice as many THAAD and Standard Missile-3 interceptors, and part of what this add-back does is enable the military to acquire some more of those missiles.

I didn't suggest they had cut it. What I said was they didn't meet the requirement they themselves identified in the committee report, and one of the things the amendment does is add money for those two items.

The other two points I would like to make are these:

No. 1, we provide that the Secretary of Defense does have the ability to fund this out of some programs. The Senator from Florida says this is extraordinary power. No, it isn't. This is the way it is frequently done. And I am not

going to assume the Secretary is going to make irresponsible decisions about where he would get the money. Some of the items the Senator from Florida mentioned—MRAPs and body armor—are not in the program from which the Secretary could get the money to offset this \$271 million. So that is not a response.

Finally, those people who support these requirements, those of us who have supported the Vitter amendment, take some exception to the reference to this amendment as an ideological amendment. If it is ideological, then the committee's report is ideological because we are quoting from the committee report and saying we would like to fulfill the requirements which the committee report said existed and which the committee did not fully fund. If that is ideological, so be it. If that is intended to be a pejorative term, I take exception to it. If it is ideological to protect the American people from an accidental or unauthorized launch of a ballistic missile, then I guess maybe my position would be ideological.

I call it common sense to try to restore some of the \$411 million that was cut for programs that the military says it needs, the commander who says he needs the additional Aegis cruisers, for example, the additional SM-3, the additional THAAD missiles that are needed. It seems to me that you can argue over whether, in view of all of the priorities, this is a priority that should be funded, but you cannot say it is not a priority or that the committee and the military don't believe it is important or that it somehow is ideological when the committee and the Pentagon and the Navy, in the one case, for example, have all said these are items that need to be done.

Finally, with regard to those people who say: Well, we never have enough testing, we are trying to respond to that criticism by saying: All right, in order to have tests, you need the equipment for the test. Part of what this amendment does is to restore funding for those items.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I would say to my good friend from Arizona, first of all, recognize how much we have spent on national missile defense. We have spent over \$150 billion on national missile defense. In this 1 year, the request is \$9.3 billion, of which the committee felt like there were other priorities for \$400 million of that. That is a reduction of only 4.2 percent in a program that has spent \$150 billion—\$150 billion—to date. Now, that is a de minimis cut when you have so many other priorities in the budget of the Pentagon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, if I could also respond briefly, again, I simply disagree with my distinguished colleague from Florida that \$411 million is

pocket change, de minimis, doesn't make a difference. It will make a difference in terms of missile defense, our capability, and the defense of the American people.

It is important to restore a good part of that, and specifically this amendment proposes restoring \$271 million. That is real money. It makes a real difference. And in today's world of threats such as North Korea and China and Iran, this is a top defense priority.

Secondly, I appreciate the Senator's support of very crucial systems. He is exactly right, they are bottom-line crucial systems such as THAAD and Aegis. But again, the committee didn't cut those programs. It put some more money into those programs but not enough to meet the need that the committee itself recognized. In fact, even this Vitter amendment doesn't get us the whole way there. The committee itself recognized, citing reports of the Joint Chiefs, we need about twice as many THAAD and Standard Missile-3 interceptors as the number currently planned. The committee's bill doesn't get us there. In fact, even this Vitter amendment doesn't get us fully there, but it goes much further down the line in terms of getting us there, in terms of immediate near-term needs, such as THAAD, such as Aegis. I agree with the distinguished Senator from Florida, those are crucial programs with real near-term impact.

Third, all the possible offset cuts that the distinguished Senator from Florida mentioned are not allowed under this amendment. Every example he gave cannot be used as an offset cut under this amendment. Under this amendment, this \$271 million can only be offset with cuts to defense-wide accounts, not program-specific accounts, not service-specific accounts. Therefore, every one of those examples was a program-specific account, was a service-specific account and can't be cut, will not be cut. We are talking about broad defense-wide accounts, such as administrative accounts, O&M accounts. I appreciate the Senator's concern, but those specific examples cannot come to pass. Those programs cannot be cut.

Fourth and finally, I agree with the distinguished Senator from Arizona. This isn't an ideological amendment. This is a practical amendment in defense of the American people. When we look around the world today, in a very dangerous time, with all sorts of new looming threats, this is bottom-line practical. The three examples the distinguished Senator from Arizona gave are perfect examples. North Korea, with nuclear capability, with ballistic missile capability. It is very practical to make sure we have a robust defense against that very unpredictable country in a time of dangerous leadership transition.

China, as my colleague from Arizona said, is a power that is coming into its own, but there are real dangers there because, as the Senator from Arizona

said, it doesn't have the communication capabilities it needs to match the enormous force and strength of its military. So there are real threats and real possibilities of accidental or unauthorized launch.

The best example, the most worrisome example of all, is Iran. We debate, with increasing frequency, the choices we may have to make, sooner rather than later, in terms of Iran's march to be a nuclear power. Whatever we think about what measures we should consider, nonmilitary as well as military, however we come down on that very difficult issue, certainly we should all agree that having a robust missile defense system is something that is useful and important to have in that scenario on the military side. Certainly, that is better than simply being more limited to offensive-only capabilities, only the capability to take preemptive action. Certainly, we can all agree it is better to have that robust missile defense capability rather than purely offensive or preemptive capabilities.

So with North Korea and China and Iran, this is very practical. This is setting the right priorities in terms of looking around the world and understanding a wide array of very worrisome threats. And \$411 million is real money. We don't restore all of that. We restore \$271 million. It goes to specific uses that, again, will help advance important systems such as THAAD and Aegis toward the full capability the committee itself recognized and that is fully offset and paid for within the bill.

Mr. NELSON of Florida. Mr. President, I wish to respond to the Senator from Louisiana, but I would first like to ask unanimous consent that after my response, the majority leader have time as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. Mr. President, is my understanding correct that we will then return to the Vitter amendment? I ask unanimous consent that we then return to the Vitter amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Well, Mr. President, I wish to respond, but all I can do is read the amendment of the Senator from Louisiana.

On page 4, starting at line 6:

The amount authorized to be appropriated by this division . . . is hereby reduced by \$271 million, with the amount the reduction—

And it goes on to say—
to be allocated . . . in the manner specified by the Secretary of Defense.

What do the words "this division" in his own amendment mean? It means everything in the Pentagon, the Department of Defense spending, minus military construction. So when he says the amendment would not allow the Secretary of Defense, at his discretion, to cut all these things I have listed, that is incorrect. That is what the amendment says, as it is drafted.

I would add this gets down into the weeds, but since a lot of this is very arcane, there are some additional concerns regarding the Vitter amendment that I will mention for the record. The amendment proposes an additional \$87 million for targets, for flight tests. But those funds would, instead, go to the Ground-Based Midcourse Defense Program. That is in the wrong place because the targets program is managed in a totally separate office. So any additional funds for targets should go to the test and targets funding line, not to the Ground-Based Midcourse Defense Program.

I said this is in the weeds, but we have to get in the weeds to talk about how this amendment is flawed.

Another example is the proposed \$54 million to convert two Aegis cruisers to the missile defense configuration. Well, the Navy doesn't plan on doing two such cruiser conversions, and this amendment might be a problem for the Navy. It is better to simply refer to "ships" rather than cruisers. In any event, we should get more information before we authorize something where we don't know what we are doing.

Additionally, the amendment would propose \$30 million for technology risk reduction to one component of the Standard Missile-3, called the Throttling Divert and Attitude Control System, pronounced TDACS. Well, rather than put all those funds into this one piece of the Standard Missile-3, it would seem like it would be better—and this is according to the Missile Defense Agency—it would be better to provide funds for the overall Standard Missile-3 Development Program. That would be doing a lot more good than the proposal in this amendment.

So I think even down in the weeds there are a lot more objections to this amendment.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

AFGHANISTAN

Mr. REID. Mr. President, I deeply appreciate the Senators engaged in the debate on the amendment offered by Senator VITTER allowing me to step forward and give a speech. I have been looking for an opportunity to do this. I traveled in August to Afghanistan with a bipartisan Senate delegation. I remember a lot of things about that trip, but probably the most stunning was a statement made by Ambassador Wood, the American Ambassador to Afghanistan. He said you could take Afghanistan, pick it up and move it to the poorest country in all of Africa, and the African country would say: Now, that is really poor.

Afghanistan is very poor. I have had the good fortune, in my many years in Congress, to travel to many places in the world. I have seen some very economically depressed areas, but Afghanistan is the topper.

During my trip to Afghanistan, I met with general officers, I met with troops. We traveled to Kyrgyzstan, to

Kazakhstan, allies in our fight against terror, and every place I went, I had the opportunity to meet with officers and, of course, the troops. They are fighting on the frontlines every day. During my meetings with the generals and the troops, they reinforced to me their courage and determination to win the fight against the Taliban and the terrorists.

I learned a lot about Afghanistan, but one thing in particular I learned about is the terrain. Oh, is it mountainous. High mountains.

I attended a funeral not too long ago in Boulder City, NV, because a young Navy SEAL by the name of Eric "Shane" Patton was killed in Afghanistan. When I attended the funeral, I didn't understand the full implications of what this young man and the SEALs who were there with him—who served with him and trained with him—had gone through. But there is a book out, and I would recommend it to everyone. Every Senator who is interested at all in what is going on around the world and loves history should read this book. It is called "The Lone Survivor."

Shane Patton is one of those who didn't survive. As I indicated, I better appreciate now what the SEALs were doing there and why and how Eric "Shane" Patton was killed.

I knew his family. I was from a neighboring town. I went to a high school in a town called Henderson, NV, where his great-uncle Charlie and I were competitors athletically, football and baseball. I remember very clearly the funeral, after having been to Afghanistan.

We didn't spend all of our time with the troops. We traveled to other parts of the country. One part of the trip took us to a vocational school where young Afghani women and men were receiving training in computers, English, car repair, and other skills so they could pull their families and their country out of poverty toward a brighter day. I can remember, I went to the back of the room and there were some young women there. I don't know how old they were, but they were young. They were teenagers or maybe in their early twenties. I talked to them. Some of them spoke fairly good English.

One girl wouldn't talk to me. When I asked a question, she would write things on the palm of her hand. It was not because she couldn't talk. It was just she was not used to being out, I guess, with men, in public places. They are so happy to be able to be out of the clutches of the Taliban and learning something.

Despite the years of chaos and bloodshed, despite many families being torn apart by this war, the young people I met there were brimming with hope, for lack of a better description. Seeing these young men and women study together I was reminded of the difference the United States had made by aiding their fight against the Taliban.

One of my long-time Nevada friends, Harriett Trudell, who worked for me

when I was in the House of Representatives, asked me if I would meet with Eleanor Smeal, who runs an organization in town called the Feminist Majority. She was concerned about how women were being treated by the Taliban, as well she should be. It was awful what this group of people did to women. These people, hopefully, see the light and will not have to go back to that day.

The courage of our troops and the Afghan people was inspiring to me, but I was reminded of the difference the United States has made by aiding in the fight against this Taliban. But there is another conclusion you cannot avoid if you go to Afghanistan. The progress I saw is being undermined by the security situation that is deteriorating day by day.

I returned home more convinced than ever that the greatest threat to our national security lies in Pakistan and Afghanistan. These places must be our central focus on the war on terror. Today, 1 day from the seventh anniversary of the most violent terrorist attack ever to take place on American soil, the mastermind of the attack, Osama bin Laden, is still free. For all the tough rhetoric of the Bush administration of chasing bin Laden to the gates of hell—he has been joined in that by Senator McCAIN—the Bush administration has failed to put the necessary resources and manpower in the hunt for America's No. 1 enemy. We had him trapped in a place called Tora Bora, but our eyes were taken off that. Troops were taken out of Afghanistan and sent to the unnecessary war in Iraq.

President Bush has rightly said the war on terror is about more than just one man. Yet 7 years after 9/11, the President has allowed that group called al-Qaida to regroup in its safe haven in Pakistan. And in Afghanistan, the sad fact is that the Taliban, the brutally oppressive regime that housed bin Laden and al-Qaida, is on the rise, attacking our troops and innocent Afghan civilians. So we must be clear-eyed in the realization that the same people who attacked us then continue to regain strength and threaten us now.

This dire situation could have been avoided. When President Bush took us to Afghanistan following 9/11, Democrats, our country, and the world stood with him. We knew it was a fight that we must wage and we must win. But after a series of military victories the President lost focus and turned, instead, to an ill-conceived war in Iraq. With the job unfinished in Afghanistan, the President devoted our troops and treasure to another battlefield.

Predictably, with the focus shifted, the Afghan people joining with us found no one at their side. The progress in Afghanistan began to go backward, with neighborhoods once reclaimed from the enemy becoming battle-grounds once again. The reason for this failure is no mystery. No matter how

hard the Republican spin machine tries to rewrite history and obscure the truth, the fact is, the terrorists who attacked us on 9/11 were in Afghanistan, not in Iraq. As much as we are glad about Saddam Hussein, and we all are, during his reign—and that is what it was in Iraq—there were no terrorists there. Afghanistan is a far larger country than Iraq, with a larger population and far, far more difficult terrain. Yet today we have about 34,000 American troops in Afghanistan and about 150,000 in Iraq.

Afghanistan is much poorer than Iraq. I have explained to the Presiding Officer and those listening how important that is, according to Ambassador Wood. It may not be the poorest country in the world, but it is right up there. Yet the money we have spent in Afghanistan is a small fraction of what we have spent in Iraq—approaching \$1 trillion in Iraq. Afghanistan is the home of al-Qaida, home of the Taliban, the central front of the war on terror. Yet there are 4½ times as many troops in Iraq, and we have spent huge amounts more money in Iraq than Afghanistan.

The result of this, the Republican failure led by President Bush, is clear. After a drop in violence early in the war, the Taliban came back with a vengeance in mid-2006. By that time we didn't have enough troops on the ground to respond. The troops needed were 1,500 miles away.

This is not just HARRY REID giving an anti-Bush speech. The commander of American forces in the region, the No. 1 man, ADM William Fallon, put it this way in January of this year:

Back in 2001, early 2002, the Taliban were pretty much vanquished.

Just what I said. He continued:

But my sense looking back is we moved focus to Iraq, which was the priority from 2003 on, and the attention and resources focused on a different place.

That is what Admiral Fallon said, and that is what I have said in my remarks prior to this quote. With resources focused on a different place, Admiral Fallon said, here is what we are now seeing. In July, nearly twice as many U.S. troops were killed in Afghanistan as in Iraq. June was the second deadliest month in Afghanistan for coalition and U.S. troops since the start of the war. In eastern Afghanistan, attacks on coalition troops increased by more than 40 percent over the first 5 months of the year. Roadside bombings have increased. Opium production is up.

Mr. President, 93 percent of all the world's opium is produced in Afghanistan—heroin. Coincidentally, right before we had our break, before I went to Afghanistan, I received a call from a woman. I, of course, recognized her name. Her former husband was the first criminal client I ever represented. I was appointed by the court to represent this indigent. I walked into that jail and looked through the bars and here was this man. He should have been

in the movies, not in jail—handsome. His name was Gregory Torres, Humbert Gregory Torres. He put his wife through hell. They had a little baby. She was a showgirl in Las Vegas, also as beautiful as he was handsome. She called me to tell me he had died. I represented him in the 1960s. He survived, in and out of prison; off of heroin for short periods of time, but it is an addiction that is very hard to fight.

Mr. President, 93 percent of the stuff used to create hell in people's lives comes from Afghanistan—heroin. We have to do better than that; 93 percent of the world's opium is produced in one country.

President Bush's failures in Iraq and Afghanistan have had consequences beyond the borders of those two countries. This morning, the bipartisan American Security Project issued a report noting that attacks by violent terrorist groups around the world are at an all-time high. This is without the terrorist attacks in Afghanistan and Iraq. Their report also notes that ungoverned spaces continue to provide sanctuary for terrorist organizations, including Afghanistan, east and north Africa, and Somalia. Yesterday President Bush had one last chance to meaningfully change the strategy and begin to reverse all these backsliding trends, but he chose not to do so. He chose to stick with the status quo and not make the significant changes that were necessary. Unfortunately, we have seen no reason to believe a JOHN MCCAIN Presidency would offer any break from the failed Bush foreign policy.

For all his talk about listening to commanders on the ground, George Bush—and JOHN MCCAIN—are dangerously deaf to the calls of our commanders in Afghanistan. Listen to what Admiral Mullen said—Admiral Mullen, not Fallon. Here is what he said in addition to what Fallon said. Fallon said, back in 2001 early 2002:

The Taliban were pretty much vanquished. But my sense looking back is that we moved focus to Iraq, which was the priority from 2003 on, and the attention was on a different place.

Here is what Admiral Mullen said, also one of the leading commanders of the American military:

I have made no secret of my desire to flow more forces, U.S. forces, to Afghanistan just as soon as I can, nor have I been shy about saying that those forces will not be available unless or until the situation in Iraq permits us to do so. . . .

We know today that no more than a token shift of troop levels will take place until we have a new President, a new President committed to winning the war on terrorism by fighting the actual terrorists, not creating war but winning war. That will require a new approach to Iraq, Afghanistan, and Pakistan. We have seen in Pakistan a dangerous approach by this administration, placing all of our bets on one man, General Musharraf.

Senator Daschle and I were the first two American elected officials to meet

him after the coup. We went there and we met with him. Obviously, all the talking to him by us and others did not do a lot of good because what President Bush did was place everything on this one man. It was a fatal and avoidable—certainly an avoidable—blunder. Musharraf did not implement democracy, did not uphold human rights, and did not stop the terrorists operating inside Pakistan's borders. He fired all the judges. American dollars meant to fight terrorism were wasted, the Pakistani people suffered, and the United States lost credibility with them for supporting a dictator who did not want to uphold their basic human rights.

Because of President Bush's failed approach to Pakistan, we now have seen al-Qaida regroup within its borders. According to the declassified key judgments of the National Intelligence Estimate of July 2007 entitled "The Terrorist Threat to the U.S. Homeland," al-Qaida has "protected or regenerated key elements of its Homeland attack capability, including a safe haven in the Pakistani Federal Administered Tribal Areas."

The intelligence agencies reiterated this a few weeks ago, saying that al-Qaida "has maintained or strengthened key elements of its capability to attack the United States in the past year."

During our time in Afghanistan, from our meetings with President Karzai to our meetings with American generals, one message was clear: We cannot solve the problem in Afghanistan without solving the problem in Pakistan.

Those concerned with the writing of our history books will have ample opportunity to delve into the Bush failures in Iraq, Afghanistan, and Pakistan in far greater detail than I have done in these brief remarks. The historians will note that on George Bush's watch the Taliban grew stronger, running their operations from terrorist bases inside Pakistan.

They will note, the historians, that under George Bush's watch, al-Qaida regrouped, ready to carry out other attacks against our great country. They will note on George Bush's watch, our national security was jeopardized, and the threats that led to the attacks in 2001 are as grave if not graver in 2008.

So our job in Congress is not to do the job of the historians, but to answer one question: Where do we go from here? President Bush gave his answer to that question yesterday. His answer was: We do not go anywhere. We stay exactly where we are.

JOHN MCCAIN has made it clear that he stands in place with George Bush. So with due respect to President Bush and Senator MCCAIN, the status quo has failed. They are out of touch with the realities and ramifications of our efforts in Iraq, Afghanistan, and Pakistan.

I saw in Afghanistan a people eager, desperate, and ready to lift their country to democracy, equality, and economic opportunity, but held down by

the weight of an enemy we failed to destroy.

The military, our military, has expressed to me how impressed they are with the Afghan fighters. They do not leave battle. They are ready to fight. So I hope in the coming months, our courageous, overworked, overstretched, overstressed troops can continue to hold off the enemy. I am confident they will. They will do it without the full resources and manpower necessary to complete the mission, which is too bad.

I hope the American people have the wisdom to choose a leader who will take the war on terror back to the terrorists and look the Afghan people in the eye and say that help is on the way.

I suggest the absence of a quorum. The PRESIDING OFFICER (Mr. SALAZAR.) The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I regret that we had hearings all morning in the Environment and Public Works Committee on another crisis; that is, we are going to have to do something about the trust fund to get it jarred loose before we can get out of here. There is going to be a serious problem in the Nation's infrastructure, and it was necessary that I be there. However, I regret that I missed the discussion of the Vitter amendment.

Many members of the Armed Services Committee are very concerned about the ability of the missile defense system. Some of us have been around long enough to remember back in the Reagan administration when this whole thing started. At that time, there was an attempt to denigrate the threat that was out there, calling it Star Wars and other things. But, in fact, the problem was very real. It took a lot of vision. That administration set about to give us the capability that we would need, when the need was there. We were pretty much on course.

Missiles have become a key component to the militaries of many countries now that were not a problem back at that time. Our enemies are advancing their ability to reach out and hit us, our allies, and our forward-deployed forces in a devastating way. We have a different threat now than we had at one time. People are now aware of it.

I can recall that I disagreed with President Clinton when he took a lot of the money out of the national missile defense system. I think it was the 1996 Defense authorization bill he vetoed. The veto message said that we are spending too much money on a threat that is not out there for the foreseeable period. Now I think we realize this problem is there.

This is a complicated subject. One of the problems we have—and I have this with a lot of my conservative friends—

is that people will look at it and say: We don't need to have all this redundancy in a missile defense system. Right now, we are talking about the boost phase, the midcourse phase, and the terminal defense segment. In these areas, we need to have at least two capabilities such as the airborne laser and the kinetic energy booster in the boost defense segment. So people who say that perhaps we don't have that need and that it is redundant don't think of the consequences.

As tragic as 9/11 was, I am sure all of us have thought about what could have happened or what could have been or might have been prevented as a result of the increase in some of our collection systems to prevent a missile from coming in. We know countries have missiles. They have weapons of mass destruction, and they have delivery systems. The combination is varied. We are talking about potentially hundreds of thousands of people or millions of people who could be killed. There are a lot of areas where the midcourse defense segment was the only one that would be effective in knocking down an incoming missile. We are working hard now on the terminal defense segment.

I applaud the Missile Defense Agency and the work they have been doing because they have been able to analyze this and see where the threat is, why it should be dealt with. When they developed a budget, they put the amount of money in there they thought was necessary to keep on course to get us to the point where we would be able to adequately defend America against an incoming missile. I think they have done that.

We took some 400, I believe, out of that amount, and the Vitter amendment is trying to reinstate that. In 1993, the Clinton administration cut \$2.5 billion from the Bush missile defense budget request for fiscal year 1994; terminated the Reagan-Bush Strategic Defense Initiative program; downgraded national missile defense to a research and development program only; cut 5-year missile defense funding by 54 percent from \$39 billion to \$18 billion; and reaffirmed a commitment to the ABM Treaty, saying any defense must be "treaty-compliant."

A lot of people honestly in their hearts—and I respect them for having a different opinion than mine—think that the answer is not in missile defense system but in arms control. This is what we went through during the middle 1990s. But we have reached a level of sophistication now where we have watched our tests become successful. People used to ridicule those of us who were for this program a long time ago: You will never be able to hit a bullet with a bullet. But we have done it now. So the technology has come along. To not stay on track is something that would be devastating.

Right now, we are looking at countries such as North Korea and Iran developing ballistic missile capabilities and delivery systems. There should not

be any doubt that these countries would actually use them. The only way to deter that is to have a defense system.

I think it is wise for us—and I think all of America agrees that the threats are out there; we need to have the capability of deterring when it comes in—that we do what is necessary to meet that test. We have relied upon the experts in the Missile Defense Agency and those of us who have studied this to determine what it should cost. Making a mistake here is not like making a mistake in some other area. If we make a mistake here and are incapable of knocking down something that is coming into a populated area, that is a disaster that is beyond description. As tragic as 9/11 was, multiply that by 100 or whatever it might be in the case that we don't stay on course.

So what I would encourage us to do is to go ahead and adopt the Vitter amendment. What he has done is said: Take it from other areas. It will be covered. But this shows that there should be that priority. I believe that priority is certainly justified.

As we follow through what has happened over the past few years, what happened in 1998 when they opposed and helped kill the legislation that called for the deployment as soon as technologically possible—we remember that well. Those of us on the Armed Services Committee have watched that moving target as time has gone by. But that is really the key, to be sure we have a national missile defense system deployed as soon as technologically possible because we know what other countries are doing. We know people are trading technology. We know that China is trading technology, that North Korea is trading technology, and countries such as Iran are rapidly gaining this capability. Our enemies out there don't like America. This is the most defensive program we should have in defending my 20 kids and grandkids and all of America.

I strongly encourage in this process that we reinstate the amount of money that the experts say is necessary to stay on course to defend America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I oppose the Vitter amendment for a number of reasons. Let me begin by saying we have already placed into our bill more money for the areas that the Vitter amendment would add additional money for than was requested by the administration. In other words, in these areas—terminal high-altitude area defense, the THAAD Program; the Aegis ballistic missile defense, DMD, and its Standard Missile-3 interceptor—we have added money in our committee to the budget request. So this is not restoring cuts in these programs. If the Vitter amendment were passed, it would add additional funds to programs that we on the committee unanimously already have added addi-

tional funds to above the administration's request.

I would like to go through these one by one.

For the THAAD system, the administration's budget requested \$865 million. The committee bill, approved by all committee members, added \$115 million.

The Targets Program, which provides targets for flight tests, the budget request was \$665 million. The Armed Services Committee fully funded the administration request. The Vitter amendment adds money the administration is not requesting. The administration is not requesting the money that the Vitter amendment adds to the committee bill.

Next, the Aegis BMD Program, the budget request was nearly \$1.2 billion. The committee bill would authorize an additional \$100 million for systems improvement and additional procurement. The Vitter amendment adds to what the committee already added to the administration request—\$74 million on top of the committee increase, \$54 million to convert two additional ships and \$30 million for technology improvements.

So point No. 1, in the areas to which Vitter amendment would add funds, the committee has either fully funded the administration request or we have added to the administration request. The administration is not requesting additional funds in the areas to which the Vitter amendment adds funds. That is point No. 1.

Point No. 2, how does the Vitter amendment pay for these add-ons? What it does is it allows the Secretary of Defense to cut \$271 million from any part of the Defense Department budget except for the specified accounts which we are not authorizing the Secretary of Defense to cut. But except for those very precise, specific, enumerated exceptions, the Secretary of Defense is given carte blanche to cut any program which the Secretary of Defense wants to cut. That is an abdication of congressional authority. It is a serious abdication. We have not done this. Where we have put weapons systems money in, frequently at the request of Members of this body, going over this at great length in committee, we have not given the Secretary of Defense a blank check to cut whatever procurement programs he might want to cut in order to pay for other add-ons that are offered on the floor of the Senate.

Now, when the Senator from Florida gave examples where these cuts could come from, the Senator from Louisiana denied those cuts could come from these examples. But the Senator from Florida is right. So I am going to repeat the examples, and then we can debate later on whether the Senator from Louisiana is correct or the Senator from Florida is correct in terms of the amendment which has been offered.

These are some of the examples the Senator from Florida used where if the Secretary of Defense wanted to make

cuts in programs, in his discretion, he would be given the authority to do it. He could cut funds for the Joint Strike Fighter alternate engine. He could wipe out money for operations of the B-52. He could cut money for advance procurement funds for the F-22. He could reduce the Patriot missile request. These are areas where the committee has added funds and where if the Vitter amendment is adopted, the Defense Secretary could, at his discretion, make cuts in these program or any other program in his discretion.

It is a serious abdication of congressional budget authority to say the Secretary of Defense may make cuts in programs wherever he wants, with the specific two exceptions that are enumerated in the Vitter amendment.

So we ought to defeat the Vitter amendment, No. 1, because it adds funds not requested, No. 2, it adds funds to accounts we have already added funds to, and, No. 3, because of the broad authority that would give the Secretary of Defense to pay for these add-ons by cutting other programs in the discretion of the Secretary of Defense—a very serious abdication of our budget power and something we should not do.

So I will oppose the Vitter amendment and support the position, the argument of the Senator from Florida, Mr. NELSON, who is the chairman of our subcommittee, who earlier today made the presentation in chief, as we would say in a court, against the Vitter amendment.

I yield the floor now. I would ask unanimous consent—if my friend from Alabama might hear this—that if we go into a quorum call now the time be charged equally against both sides on the Vitter amendment.

I suggest the absence of a quorum with the unanimous consent request that any time during this quorum call be charged equally to both sides.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, how much time remains on the Vitter amendment?

The PRESIDING OFFICER. The proponent has 2 minutes. The opponents have 19 minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Vitter amendment be set aside, and that when we return to the Vitter amendment, the Senator from Louisiana have 10 minutes on his side, and that the full 19 minutes remain on our side, the opponents, and with that understanding we move to the regular order, which I believe would be the Senator from Florida offering his amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 4979

Mr. NELSON of Florida. Mr. President, I call up amendment No. 4979.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself, Mr. HAGEL, Mr. SESSIONS, and Mrs. MURRAY, proposes an amendment numbered 4979.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation)

At the end of subtitle D of title VI, add the following:

SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—
(i) by striking paragraph (2); and
(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—
(i) by striking subsection (e);
(ii) by striking subsection (k); and
(iii) by striking subsection (m).
(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—
(i) in subsection (f)(2), by striking “does not apply—” and all that follows and inserting “does not apply in the case of a deduction made through administrative error.”; and
(ii) by striking subsection (g).

(D) In section 1455(c), by striking “, 1450(k)(2).”

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking “Except as provided in paragraph (2)(B), the Secretary concerned” and inserting “The Secretary concerned”; and

(2) in paragraph (2)—

(A) by striking “DEPENDENT CHILDREN.—” and all that follows through “In the case of

a member described in paragraph (1),” and inserting “DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),”; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that I may have printed in the RECORD a letter from The Military Coalition.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MILITARY COALITION,
Alexandria, VA, June 19, 2008.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: The Military Coalition (TMC), a consortium of nationally prominent military and veterans organizations, representing more than 5.5 million members plus their families and survivors, is writing to ask for your support of Senator Bill Nelson's Defense Authorization Bill amendment (S. amendment 4979) that repeals the law requiring a dollar-for-dollar deduction of VA benefits for service connected deaths from the survivors' SBP annuities. The elimination of this survivor benefit inequity is a top legislative goal for TMC in 2008.

We strongly believe that if military service caused a member's death, the Dependency and Indemnity Compensation (DIC) the VA pays the survivor should be added to the SBP benefits the disabled retiree paid for, not substituted for them. In the case of members who died on active duty, a surviving spouse with children can avoid the dollar-for-dollar offset only by assigning SBP to the children. But that forces the spouse to give up any SBP claim after the children attain their majority—leaving the spouse with only a \$1,091 monthly indemnity from the VA. Surely, those who give their lives for their country deserve fairer compensation for their surviving spouses.

The Military Coalition urges you to restore equity to this very important survivor program and vote in favor of Senator Nelson's SBP amendment when it comes to the floor for consideration.

Sincerely,

THE MILITARY COALITION,
(signatures enclosed).

Air Force Association; Air Force Women Officers Associated; American Logistics Association; AMVETS (American Veterans); Army Aviation Assn. of America; Assn. of Military Surgeons of the United States; Assn. of the US Army; Commissioned Officers Assn. of the US Public Health Service, Inc.; CWO & WO Assn. US Coast Guard; Enlisted Association of the National Guard of the US; Fleet Reserve Assn.; Gold Star Wives of America, Inc.; Iraq & Afghanistan Veterans of America; Jewish War Veterans of the USA; Marine Corps League; Marine Corps Reserve Association.

Military Officers Assn. of America; Military Order of the Purple Heart; National Association for Uniformed Services; National Military Family Assn.; National Order of Battlefield Commissions; Naval Enlisted Reserve Assn.; Naval Reserve Association; Non Commissioned Officers Assn. of the United States of America; Reserve Enlisted Assn. of the US; Reserve Officers Assn.; Society of Medical Consultants to the Armed Forces; The Retired Enlisted Assn.; USCG Chief Petty Officers Assn.; US Army Warrant Officers Assn.; Veterans of Foreign Wars of the US.

Mr. NELSON of Florida. Mr. President, following one of the bloodiest wars in America, the time that this Nation was put asunder and split right down the middle, in those dark days, President Abraham Lincoln, in his second inaugural address, said that one of the greatest obligations of war is to take care of those who had borne the fight and to take care of his widow and orphan.

What he said was:

As God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and orphan.

That is the quote of Lincoln in that very memorable second inaugural address.

This amendment has to do with widows and orphans. This Senator, for 8 years now, has brought this amendment up, and on most every occasion we have passed it in the Senate. But because it has a fiscal consequence, because what we are going to do is help widows and orphans, when it gets through here on almost a unanimous vote and gets into a conference committee with the House, it gets whacked. We had a minor victory last year in that some of this offset that I am about to tell you was reduced, but it was a very minor achievement.

I have offered this amendment, which is cosponsored by Senators HAGEL, MURRAY, and SESSIONS. So you can see that this is bipartisan. It is going to eliminate the unjust offset on the survivor benefits for widows, widowers, and orphans. The U.S. Government, when it plans for cost of war, has to go through—and understand that the cost of war is not just guns, ammunition, tanks, and airplanes.

A cost of war is also taking care of the veterans and also taking care of the deceased servicemembers' widows, widowers, and orphans. It is both a cost of war and of peace.

Now, before August, back in July, the Senate supported sweeping changes to

the GI bill, which certainly is providing greater opportunities for today's members of the military and their families to have the ability to earn a college education. Well, now, in this amendment, we have the privilege of honoring the families whose loved ones have given their lives in service to the country.

Today, we can remove one of the last unjust benefit offsets that face our veterans and our families. On both sides of the aisle, over the last several years, the Senate has tried to correct these benefit offsets that penalize our Nation's heroes. Back in 2004, in the Defense authorization bill, we passed combat-related special compensation that allowed veterans who were injured during war, and awarded a Purple Heart, to receive both their disability pay and their earned retirement income. Back then, in 2004, we reviewed the veterans concurrent receipt disability pay, otherwise known as concurrent receipt. We agreed that military retirees with 20 or more years of service and a 50-percent or higher disability would no longer have their retirement pay reduced by the amount of their VA disability compensation. That was the offset that was known as concurrent receipt. So we eliminated that offset if the veteran had a 50-percent or higher disability.

Well, through the National Defense Authorization Act, back then, in 2004, we authorized concurrent receipt of the retired pay and the disability pay for military retirees but not so with the widows and the orphans.

Last year, in the Defense authorization bill, we reasoned that those veterans rated as 100 percent unemployable should receive both their retirement pay, which they have earned through years of service, plus their disability pay, which they earned through injury. Before the law was changed, a veteran suffering from PTSD, post-traumatic stress disorder, or TBI, traumatic brain injury, and was unable to work due to the service-connected disability—back before that, that veteran was penalized because he or she was not 100 percent physically disabled. Prior to our efforts, our veterans could not concurrently receive their hard-earned retirement pay and their well-deserved disability pay.

That is what brings me now to the widows and orphans. We treated our veterans that way in the past. We have acted to get rid of these unjust offsets. But there is one offset that remains, and that is the one that affects the survivors—the offset between the survivor's benefits under the Department of Defense Survivor's Benefit Plan, or SBP—that is on one hand—and the Veterans Department Dependency and Indemnity Compensation, or DIC, there is an offset there. Here is what happens. The Survivor's Benefit Plan is purchased by the retiree, like an insurance annuity. It is issued automatically in the case of servicemembers who die while on active duty, and re-

tired members of the military pay for this benefit from their retired pay. Again, it is as if they pay premiums for an insurance policy. Upon the death of the servicemember, their spouse or dependent children can receive up to 55 percent of their retired pay as an annuity—a straight kind of insurance annuity. Understood.

But there is another law. The other law is that the Department of Veterans Affairs Dependency and Indemnity compensation, or DIC, is given to a surviving spouse of an active-duty or retired military member who died from a service-connected cause. Here is the catch: Under current law, even if the surviving spouse of such a servicemember is eligible for SBP, that purchased insurance annuity is reduced, or offset, by the amount they get under the Dependency and Indemnity Compensation from the Veterans' Administration. Well, why should that be, because they are entitled to both. In one case, they purchase it; in the others, they are a veteran and they are entitled to it. The Survivor Benefit Plan is that purchased insurance annuity plan.

In my previous life as the elected insurance commissioner of the State of Florida, I want you to know I have never heard of any other purchased insurance annuity program that can justify refusing to pay the insured the benefits that the insured purchased by saying: Oh, by the way, because you are getting a different benefit somewhere else. So for the past 8 years, this Senator has been trying to fix that situation. This amendment is going to end that injustice and completely remove this offset to take care of the widows, the widowers, and the orphans who have lost a loved one to combat or service-connected injuries.

In 2006, the Senate passed a similar amendment 92 to 6. What happens, it gets down into the conference committee between the Senate and the House and they say: Oh, we can't afford it. It got watered down into a special payment that provides a \$50 monthly payment to a deceased servicemember's beneficiaries. So at least it is offset \$50. But the real offset is about \$1,100. Fifty dollars is better than zero, but we have a long way to go to make this right by our veterans and their families.

I hope the Congress now is going to face the music and come up with the responsible thing and recognize that the cost of war is taking care of the families, the widows, and the orphans. Under current law, because of that offset, all of our military are going to find it difficult for their families to make financial ends meet. These are the families of the men and women who do not return home. They have already lost so much, they should not have to endure the financial hardships because of a benefits offset.

The Senate has an opportunity to change this injustice as we get into this Defense authorization bill. If we respond to it as we did a couple of

years ago by passing legislation with overwhelming support and then again with the special offset of only \$50, if we can take it to the full offset and remove it, then we will have achieved what we ought to be doing, which is to do right by our families, recognizing that it is our obligation as a government to take care of the one who shall have borne the burden of war and of his widow and orphan.

That ends my remarks. I do not see any other Senator in the Chamber wanting to offer any comments. So if other Senators are not ready to speak, I wish to speak on another subject. I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

OIL DRILLING

Mr. NELSON of Florida. Mr. President, next week we are going to be on the Energy bill, and we are going to be acting on one of the most important challenges facing our Nation. In fact, the single greatest threat to our national and economic security may well be our dependence on oil, not just foreign oil but oil.

No one among us would argue that we need to drill in places where it makes sense. But we all know that more drilling will not do anything to bring down the price of gasoline. A report from the White House has said that, and we have stated that on the floor of the Senate. Nor will more drilling take us down the path to making America energy independent in 10 years. But let's acknowledge that we need to drill for oil in places where it makes sense.

This Senator has come to the floor and said over and over that 68 million acres of Federal lands, both on land and submerged lands, leased by the oil companies, is a good place to start. We need to drill for oil in places where it makes sense. If there are expanded places offshore that do not have a counterbalancing reason not to drill there, then let's use that standard. Let's drill in places where it makes sense but understanding all along that is not going to affect the price of gasoline now.

The White House report said it would not affect the price of gasoline until the year 2030. But people are hurting now. They want something done about gas prices now.

Recognize also there is a fundamental truth that the United States has only 3 percent of the world's oil reserves, but the United States consumes 25 percent of the world's oil production. Common sense tells us, if we only have 3 percent but consume 25 percent, drilling is not going to get us out of the problem. We have people such as Texas oilman T. Boone Pickens who are on the TV saying exactly the same thing.

If we cannot drill our way out of the problem, what should we do? It is clear that we could bring the price of gas down a lot more and right away if we would cut some of the waste, if we

would conserve. What is one way to conserve? Higher-miles-per-gallon cars because 50 percent of the oil we use goes into cars and trucks. It does not take a rocket scientist to realize this is where we ought to focus. So let's focus on raising the mileage standards for our personal vehicles. It took us 30 years to just a few months ago raise the mileage standards to a paltry 35 miles per gallon, but that is phased in over the next decade and a half.

In the meantime, Europe is driving around on an average of 43 miles a gallon. By the way, it is American manufacturers in Detroit that are selling their products, American automobiles, that add to that 43-mile-per-gallon average in Europe. And in Japan, they are driving around in vehicles that get 50 miles per gallon.

In other words, we are wasting a lot of oil right here in America that we could be saving, and we could do it with serious conservation measures. One of those ways is to increase our miles per gallon in our vehicles in the fleet average, which we could start doing tomorrow.

There is another way, and the other way is to start giving tax incentives to Americans to go out and buy fuel-efficient cars. We ought to require at least 40 miles per gallon on our vehicles, and we should provide to the American consumer tax incentives to encourage them to buy those higher-miles-per-gallon, fuel-efficient cars.

In the long run, we have to rapidly build cars that run on batteries and hydrogen, not petroleum, and we need to develop alternative fuels, such as ethanol, from products that we do not eat. While we are at it, we are going to have to pay attention to how we power our homes and industry. We are going to need to develop solar, wind, thermal energy, and safer nuclear power, and we are going to need to increase our oil-refining capacity.

Our Government must enact this national energy program to transition us from petroleum to alternative and synthetic fuels. President Kennedy said we were going to release ourselves from the bonds of gravity and go to the Moon and back within 9 years, and we did it. We need to act on this energy crisis with the same urgency. If we put our minds together, then we can realize a number of these items that I have mentioned—drill in places where it makes sense; raise the miles per gallon on our automobiles; give our people tax incentives so that they will be encouraged to buy fuel-efficient cars; develop solar, wind, thermal, safer nuclear power; and increase our oil-refining capacity. These are the ways we are going to solve our energy crisis.

This is what I hope as the Senate goes into session next week working on the Energy bill. These are the common-sense ways that we can, with divergent views, come together and build consensus.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 5280

Mr. VITTER. Mr. President, I will return to my pending Vitter amendment. I ask the majority side, and perhaps the distinguished Senator from Florida is the appropriate person on the floor to give consent to a modification of the Vitter amendment, which is in the last paragraph, only to clear up any uncertainty and confusion about this offset issue which we have discussed.

This modification, which I provided to the majority side, would make crystal clear and ensure that the full offset of this amendment would have to come out of research, development, test, and evaluation accounts only, and therefore it could not come out of O&M. It could not come out of procurement. It could not come out of any of those broad categories about which the Senator and others were most concerned.

I ask unanimous consent for that modification so that there is certainty on that issue.

The PRESIDING OFFICER. Is there objection? The Senator from Florida.

Mr. NELSON of Florida. Mr. President, reserving the right to object, out of consideration for Senator LEVIN, the chairman of the committee, who is off the floor right now and is considering the request of the Senator from Louisiana, I suggest the Senator withdraw the request until Senator LEVIN returns. I have been instructed to say that he is considering that request right now. So will the Senator withdraw the request?

Mr. VITTER. Pending that answer, Mr. President, I will withdraw the request and look forward to that response so that we can modify the amendment. It is a good-faith attempt to address and clear up any possible ambiguity about some of the issues we discussed on the Senate floor. I think this modification would do that by, beyond argument, limiting any offset to research, development, test, and evaluation accounts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MENTAL HEALTH PARITY

Mr. SMITH. Mr. President, I often try to come to this Chamber and offer remarks without reading a text, but this text that I have prepared is of such a personal nature and so difficult to give that I think I am going to try to read it.

I also want to note for the record that in this hyperpolitical season, sometimes we forget that we are just Americans. Senator KENNEDY somehow knew I was going to give this speech, and I was just called to the Republican cloakroom to take a call from our colleague who struggles with a terrible illness. He wished me well in this speech because we share a common bond when it comes to human loss and the passion

for the issue of mental health. I also want to report, Mr. President, that he sounded great, and I am confident he will be back.

Mr. President, 5 years ago this week—it was actually 5 years ago on Monday—my wife Sharon and I received the worst news that any parent can receive when a police officer showed up at our door to inform us that our 21-year-old son Garrett had taken his life. That day and the days and weeks that followed were the most painful imaginable. But instrumental to Sharon and me being able to persevere through those weeks was the love and support we received from my colleagues here in the Senate.

To note just a few, Senators WYDEN, REID, STEVENS, BENNETT, DeWine, and CHAMBLISS traveled all the way to Pendleton, OR, a little town in north-eastern Oregon, for Garrett's service. When I returned to this Chamber weeks later, Senators KENNEDY and BIDEN, who had experienced the loss of family members in their lives, were just two of many who reached out to me with compassion and wise counsel. Senators LEAHY and Santorum lit candles for us in their Catholic parishes, Senator LIEBERMAN remembered us in his synagogue, and many protestant colleagues included us in their prayer circles. Sharon and I were reminded again and again that human heartache has no political affiliation.

Sharon and I were also blessed to receive the support and understanding of the people of Oregon. We were overwhelmed with cards, letters, and kind words, many from individuals who had lost a loved one battling depression or who had lost a loved one to suicide. Indeed, as a result of the publicity surrounding Garrett's death, Sharon and I had become the focus of an immense fraternity of sorrow. I had never been aware of or imagined the size of this silent and shapeless society, but the avalanche of letters confirmed what my studies later taught me: There are 30,000 suicides and as many as 600,000 attempts at suicide in America every year. Suicide is the third leading cause of death in the United States for those ages 15 to 24. It is the second leading cause of death among college students, with more than 1,000 taking their lives each year.

I began to wonder what I, as a Senator, could do about this epidemic which had claimed the life of my son. Six months after Garrett's death, our then-colleague Mike DeWine provided me with an answer. He told me that the epidemic of youth suicides had been weighing on his mind as well and that he had coauthored two pieces of legislation he hoped might make a positive difference. The first bill, authored with Senator DODD, increased screening for children to detect those predisposed to depression and suicide. The second, written with Senator REED of Rhode Island, provided funding necessary to improve suicide prevention programs on college campuses.

I reviewed the two bills and felt more and more that I had found my cause: to bring suicide's brutal toll and mental health subordinate status out of our society's shadows. I believed that the shame and the stigma our society feels about mental health must stop and a national conversation needed to begin. I believed that if Government policy and insurance priorities did not change, then more lives would be tragically lost, more families would be shattered, more of our citizens would wander our streets and needlessly fill our jails, and higher costs would be borne by taxpayers or be shifted to overburdened private policyholders. In short, our society would be diminished and too many of our fellow citizens would continue to suffer needlessly.

Senators DeWine, DODD, and REED graciously offered to let me take the lead in advancing the legislation through Congress. Because of their support, the support of countless others in the House and Senate, and the support of the President of the United States, George W. Bush, we were able to make a difference and for the first time put the Federal Government on the front lines in the battle against youth suicide.

This week marks another anniversary, Mr. President. It was on September 9, 2004, on what would have been Garrett's 23rd birthday, that final passage was achieved on what my colleagues named the Garrett Lee Smith Memorial Act. So I rise today during what is also National Suicide Prevention Week to reflect on what has been accomplished these past 4 years thanks to the provisions of the Garrett Lee Smith Act and to remind my colleagues of the work that still must be done.

Since its enactment into law, the Garrett Lee Smith Act has provided funding for youth suicide prevention programs in 31 States, 7 Native American tribes or tribal organizations, and 55 colleges and universities. Incredibly, more than 150,000 people across our Nation have been trained in youth suicide prevention activities under the Garrett Lee Smith Memorial Act. This includes more than 40,000 college students who can now look for the warning signs of depression in peers, more than 11,000 parents and foster parents who can spot the warning signs in their children, 9,000 teachers who can better identify the needs of their students, and 1,300 primary care providers who can better serve the mental health needs along with the physical needs of our children and youth they seek to heal. We also know that 13,000 youth have been screened for mental illness through the Garrett Lee Smith Memorial Act grants. Of these youth, more than 2,800 were found to be at risk of suicide and 95 percent were referred for mental health services. Amazingly, of these children, 90 percent received care.

In my home State of Oregon alone, more than 900 people have been trained

in suicide prevention activities. They have been taught these new skills in a way that will allow them to share what they have learned to train others. This "train the trainer" type of program has created a sustainable program which will continue to grow the number of caring people in our communities who have the know-how to spot mental illness and suicide risks in our children and youth.

Mr. President, much has been accomplished in the battle against youth suicide, but there is still much more that needs to be done, and I would like to provide a roadmap of five actions this Congress can and should take before adjournment.

First, Congress needs to reauthorize the Garrett Lee Smith Memorial Act. Last May, I joined with Senators DODD and REED in introducing just such a reauthorization proposal. Our bill would provide some important updates to the program, including allowing States and tribes to get more than one grant so that many States can expand on the work they started with the initial youth suicide prevention grants they received. Our bill would also allow for increasing funding levels and allow for the current youth suicide resource centers to serve those of other ages.

Second, mental health parity has passed both the House and the Senate and is awaiting final passage. I urge the conference committee to get this to final passage. This final version has been included in the tax extenders package drafted by Senator BAUCUS that is awaiting consideration. I am very hopeful that through this package, mental health parity will soon be completed. Placing mental health on parity with physical health will send a very important message to our family members and friends with mental illness. It says to them: We support you, we love you, and we are working to ensure that you get the help you need.

Third, mental health parity must also be provided to children under SCHIP. Low-income children suffer at higher rates of mental illness. We must ensure that the State Children's Health Insurance Program better supports their needs. We know that the earlier we can identify and help children with any mental health issues, the better chance they will have in obtaining a long-term recovery and learning the ability to manage their illness.

Fourth, along with many colleagues, I have long been concerned with the mental health needs of our older veterans as well as those who are returning from our current conflicts. I held a field hearing in Oregon last year on the issues that our aging veterans face and convened two roundtables on the issue with veterans, mental health professionals, and local officials. Senator KOHL and I also held an Aging Committee hearing in the fall of last year that looked at veterans' mental health issues. I was honored that Senator Bob Dole was able to testify at this important hearing.

In response to the findings I gathered from these hearings and discussions, I introduced in July of this year, along with my colleague and friend Senator WYDEN, the Healing Our Nation's Heroes Act of 2008. This bill would improve the oversight of the Department of Veterans Affairs and the Department of Defense as it relates to the mental health services they provide to our service men and women and veterans. It would also work to increase the number of their mental health professionals and train them to better understand the unique issues of our men and women who have seen combat.

Finally, I have worked to introduce a package of bills with Senator REED of Rhode Island that would support and enhance our community mental health centers. These centers are the safety net of our local mental health systems and work to ensure care to so many low-income individuals. These bills would help to better integrate the physical and mental health at these centers. This package would also help to provide funding for infrastructure expansion and improvements that are so desperately needed as local centers struggle under low funding and increased community needs. Currently, the reauthorization is pending in the HELP Committee.

Mr. President, I know we are in the midst of a partisan season. Two of our colleagues are campaigning for the Presidency of the United States, and one is campaigning for the Vice Presidency. In my State of Oregon, my colleague, Mr. SCHUMER of New York, is spending millions upon millions of dollars running very partisan and negative ads in the hopes of defeating me, and that is certainly his right. I know Mr. SCHUMER has put pressure on many of my colleagues on the other side of the aisle these past few months not to continue any bipartisan work with me. But just as passage of the Garrett Lee Smith Memorial Act was not a partisan issue, taking action on the five items I have just listed is also not partisan. Mental illness does not differentiate between Republican and Democrat. It is an American issue. It is a human issue. And as Americans, we have a duty to act.

Perhaps the best counsel I received in the days and weeks following Garrett's death came from Dr. Lloyd Ogilvie, who served with such distinction as the Chaplain of the Senate. Lloyd had recently lost his beloved wife Mary Jane and called me from Los Angeles to commiserate. His message to me was that "gratitude" is a miraculous antidote for grief, and that, whenever I was feeling overwhelmed by bewilderment and remorse, I should remember to be grateful that the Lord gave us Garret for 22 years less a day. It sounded simple enough—gratitude as an antidote for grief—so I tried it, I tried it again, and I discovered that it works.

I stand here today, 5 years after losing my son, with profound gratitude in my heart: gratitude for the countless

Oregonians who continue to let Sharon and me know that we are in their thoughts and prayers; gratitude for my colleagues here in this Chamber, without respect of party, who helped me persevere and recover; gratitude for public servants such as Mike DeWine and CHRIS DODD and JACK REED and many others—and I must mention ORRIN HATCH, who has been an incredible brother to me. They allowed me to turn my grief into action through the Garrett Lee Smith Memorial Act. I express gratitude for President Bush signing this act. He did it on a misty day, on an October morning in 2004, just before election day. I express gratitude for those who are on the front lines of the battle against suicide, and countless mental health professionals who are implementing the programs authorized by the Garrett Lee Smith Memorial Act, who are often overwhelmed by the demand and underfunded by resources.

And above all, I express gratitude that a remarkable boy graced Sharon's and my life for so many years, and that his memory lives on through the good works implemented by legislation that bears his name on the statutes of the United States of America.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4979

Mr. INHOFE. Mr. President, right now the pending business, as I understand it, is the Bill Nelson amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. INHOFE. Let me first compliment Senator NELSON for bringing this up. This has been something we have been wrestling with now for more than 8 years and we are finally going to have an opportunity to make it happen. It is a long overdue fix in the Survivor Benefit Plan and I am honored to be a cosponsor of this amendment. It clearly states that a surviving spouse and dependents of our veterans should receive the full value of the SBP and the Dependency and Indemnity Compensation—DIC—without an offset.

Here is what the problem has been in the past. They would receive one or the other, but the other would be offset against it so our surviving spouses would not have the full benefit. Let's look at what it is. They have distinct purposes. The DIC, the Dependency and Indemnity Compensation, is tax free and it compensates for a service-connected death and the resulting economic loss. That is what that stands for.

The SBP, the Survivor Benefit Plan, is more like a life insurance policy.

Survivors are qualified for SBP only because their spouses bought it with monthly premiums.

It is time we gave back these benefits to families of those who have served bravely in the defense of our Nation. I think it is an insult to their honor and their memory to do anything else.

Many of us have fought for years to ensure the SBP pays survivors as it was intended. I, along with 38 colleagues, sponsored the SBP Benefits Improvement Act of 2001. We are talking about quite a number of years ago. It amended the Federal provisions concerning the Military Survivor Benefit Plan to adjust the basic annuity amount for surviving spouses of former military personnel and adjust similarly the authorized percentage amounts of SBP supplemental annuity authorized for such spouses.

Again, I cosponsored, with 45 colleagues, the Military Survivor Benefits Improvement Act of 2003 to accomplish the same thing.

We have worked diligently to change the laws covering the concurrent receipt and have been successful. This legislation is the logical expansion of the same principle, acknowledging that the surviving spouses and dependents should not be left behind. Every year for the last 3 years we voted to include this legislation in our version of the National Defense Authorization Act. We have the authorization bill—I should say the reauthorization bill—every year. We put it in. Then, somehow, in conference it comes out.

As the Chair knows, we cannot discuss what happens in conference other than we know the results. The results were this was something we wanted to do, we had it in, it came out. In 2006, 2007, and 2008, we agreed to repeal this SBP/DIC offset and every year it has been dropped by the conference committee.

Again, that is something nobody knows why. I, frankly, do not know why and I am on the conference. With this amendment we rectify a longstanding injustice to widows and dependents whose spouses or parent died, of a military service-related cause, who are sacrificing a dollar of the DOD Survivor Benefit Plan for every dollar of the VA Dependency and Indemnity Compensation they receive.

Finally, after all these years it is going to become a reality. I applaud the Senator from Florida, Mr. NELSON, for bringing it up. I encourage everyone to agree to this amendment. I think it will be agreed to because it has had favorable treatment from our defense committee, our Armed Services Committee, for a number of years now.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, before I ask for a quorum call, if the quorum call is put in motion here, is the time charged against both sides on the Vitter amendment?

The PRESIDING OFFICER. We are on the Nelson amendment so no time would be charged.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, first I wish to say to our colleague and fellow member of the Senate Armed Services Committee from Oklahoma, I was very moved by your remarks on this particular program, as requested by our colleague from Florida. This will have my support. But your voice has added a great deal of significance to the fundamental necessity for this body to go ahead with this amendment. I judge you, too, are a cosponsor on this amendment?

Mr. INHOFE. That is correct. I say to the Senator from Virginia, we have been working on this, you and I together, along with several other Senators on both sides of the aisle, for 8 years now that I know of. This should be the day that we come to the happy conclusion and make sure it does happen.

I wonder why things that are so right are so long in coming. He and I both know, after the years we have served, it is not all that easy sometimes. I thank the Senator for all of his support for the survivor benefits and all the things we have done since—actually prior to 2001.

Mr. WARNER. Mr. President, I thank the Senator. If it is one hallmark he has in the Senate, it is his tenacity, year after year after year. So stick with it—whether it is this program or your beloved highway programs, which you fight for, or your beloved WRDA bill, which you fight for. It is a long list.

I thank the Senator from Oklahoma. Mr. INHOFE. I thank the Senator from Virginia.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Would the Senator from Oregon yield?

Mr. WYDEN. I will yield.

Mr. DORGAN. Mr. President, I ask unanimous consent that I be recognized following the presentation from the Senator from Oregon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. First, I wish to note that my friend and colleague, Senator SMITH, was just on the floor. I wish to commend him for all the work he has done for the vulnerable families in our country. He and Sharon, of course, have suffered the loss, a loss almost unbearable to all of us who are parents. They have done everything they possibly could to stand up for other families across the country.

Since our colleague spoke, and very movingly, on the floor, I wish to take

a special note, before I begin my comments on another subject, of his advocacy because I think it has been extremely important for millions of families in our country.

MINERALS MANAGEMENT SERVICE

Mr. President, I have come to the floor to talk about a new report that the Interior inspector general has released on the offshore oil and gas leasing program.

Several years ago, I stood on the floor and spoke for several hours in an effort to draw the Senate's attention to the mismanagement of this offshore oil and gas leasing program. Today we have learned, with the inspector general's report, that nothing has changed. What they have shown, the inspector general in this report, is that the Royalty-in-Kind program, one of the key royalty programs that they looked at, is a horror story of mismanagement and misconduct.

The inspector general looked at the Minerals Management Service, and said, with respect to this royalty program, there is a "culture of ethical failure." Nearly one-third of the entire staff of the Royalty-in-Kind program accepted gifts and gratuities from the oil and gas companies with which they were conducting official business.

There are stories of drug use. There are stories of inappropriate sexual relationships. The inspector general confirmed that two Royalty-in-Kind employees were running a side consulting business for oil and gas companies with which the Royalty-in-Kind program was doing business.

The inspector general's report detailed how Royalty-in-Kind managers, instead of working for the taxpayers' interests, were working for their own self-interest, ingratiating themselves with the very oil companies they were charged to negotiate fair deals with on behalf of American taxpayers.

Now, some are probably wondering exactly how much money has been lost as a result of this mismanagement and misconduct. The bottom line from the inspector general's investigation is there is no way to determine how extensive the abuses in this program have been. There is no way to determine exactly how much money the American taxpayer has lost. Because the record keeping has been so shoddy, it is not possible to figure out exactly what these losses are.

I am very hopeful, as a result of this extraordinarily important report by the inspector general, that it will be possible to clean house finally at the Minerals Management Service. I hope it will be possible.

You say to yourself: How can it be that these things are done at this agency today? What would it take to get a serious audit program at the Mineral Management Service? I hope it will be possible now to make changes in this program, to make it crystal clear that the Federal Government will no longer employ someone serving an interest other than the public's.

Whether you are a secretary or manager or the guy or the gal who is cleaning up, if you want to work for the public, then you need to take the public's trust seriously.

Now, you say to yourself, this should pretty much go without saying. But particularly this afternoon, as the Congress is on the eve of a historic debate about the future of energy policy, you ought to say: Let's clean up the abuses that are taking place in existing leasing programs that are going to continue and possibly be expanded under the legislation that the Congress will consider shortly.

Some of the Minerals Management Service problems also involve a law that was written originally in the mid-1990s, when the price of oil was low. When the price of oil was around \$15 a barrel, the Congress said: Let's give oil companies a financial incentive to drill on new leases in the Gulf of Mexico. The law said that while the oil companies were drilling on public land, they didn't have to pay the Federal Government the required royalties until the price of oil rose high enough for the companies to make a profit, obviously a little bit different time than today. Oil prices, of course, have not stayed low. It turns out that royalty relief didn't phase out the way it should have.

We learned the Minerals Management Service, the part of the Interior Department charged with issuing and administering offshore leases, bungled things so badly they forgot to include provisions in the leases requiring royalties on those particular leases. The Government Accountability Office has estimated that just this dereliction of duty would cost American taxpayers as much as \$11.5 billion. The Government Accountability Office recently has updated that amount and the impact is several billions of dollars higher.

The Congress has held hearings on this management failure, but the fact is, nothing has been done to fix the problem.

To add further insult to the injuries suffered by taxpayers, the oil companies operating in the gulf, led by Kerr McGee, sued the Federal Government, claiming they shouldn't pay royalties on any of the oil from any of the 1995 to 2000 leases, no matter how high the price of oil went. They got a judge in Louisiana to agree with them. The Federal Government is appealing the case.

Senator KYL and I have been working on a bipartisan basis to try to get this corrected, but in the 2005 Energy bill, the Congress extended the exemptions for new leases in the Gulf of Mexico from royalty payments for both oil and natural gas wells, despite the fact that oil was already \$50 a barrel. This is a loophole that remains in effect until June of 2010 and is going to allow current and future leases in the Gulf to continue to avoid even more royalties while additional profit is generated at record prices.

The Bush administration has proposed repealing these 2005 royalty relief provisions, but they are still in place.

This is the time to get control of this runaway stallion. We are talking about millions, certainly billions, in terms of the cumulative cost of the program, and these practices take your breath away.

Let me read from one paragraph from the summary the inspector general has issued. One paragraph talking about three employees says: The results of this investigation paint a disturbing picture of three senior executives who were good friends and remained calculatedly ignorant of the rules governing postemployment restrictions, conflict of interest, and Federal acquisition regulations to ensure that two lucrative contracts would be awarded to a company created by one of them and then later joined by another.

These are such clear examples of abuse that no matter what one says, you have to say this is unacceptable. The inspector general found that between 2002 and 2006, nearly one-third of the entire Royalty-in-Kind staff socialized with and received a wide array of gifts and gratuities from oil and gas companies with which the Royalty-in-Kind Program was conducting official business. We are talking about 135 occasions involving gifts and gratuities. They went on to say that the inspector general discovered a culture of substance abuse and promiscuity in the Royalty-in-Kind Program, alcohol abuse associated with the program, where there was socializing by staff with the industry.

I have suggested two steps today that strike me as obvious changes that should be put in place. First, there needs to be an effort to clean house at the Minerals Management Service so that we get these practices behind us. We also have to get back in the serious business of auditing these programs where millions and billions of dollars are involved.

I want to commend particularly the inspector general of the Department of the Interior for his outstanding work in putting together this report. This is one of a series of reports that the inspector general has issued in this area. I and the chairman of the Energy Committee, Senator BINGAMAN, have worked closely with colleagues to try to get these changes put in place. Senator BINGAMAN in particular has offered a number of promising legislative changes to deal with the royalty issue.

I wanted colleagues to know in particular about this Office of Inspector General inquiry into the Minerals Management Service, given the debate that is about to begin in the Senate.

We will be, as far as I can tell, spending much of the remainder of this session talking about these and similar programs. I happen to think it is possible for us to do our work in a bipartisan fashion, get in place energy changes that will allow us, in the area

of alternative energy supplies and renewables, to make significant progress. I have made it clear that particularly with respect to additional opportunities for drilling, be it in the Gulf of Mexico, and maybe other areas, I am open. What I am not open to is the continued abuse of taxpayers in these essential programs involving public resources. We are talking about public lands. We are talking about public resources. It is one thing when private companies drill on private lands. It is quite another when they are developing energy on public lands and, in my view, taking advantage of programs that were set up years ago when the price of oil was \$15 a barrel.

It is time to clean house at the Minerals Management Service. It is time to get back in the business of accountability and rigorous oversight of these leasing programs that involve such extensive amounts of taxpayer funds.

I hope all colleagues will look at the report issued by the inspector general of the Department of the Interior. It provides a clear roadmap for how the Congress ought to proceed in terms of correcting these programs, ending the pattern of abuse and mismanagement, and changing the channel from the current horror show of mismanagement and misconduct at the Minerals Management Service.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Will the Senator yield for a question?

Mr. DORGAN. Yes.

Mr. LEVIN. Could we have a time set for the Senator's presentation? Can he give us an idea about how long he would be?

Mr. DORGAN. I would expect to be about 15 minutes. Is there some intervening business the Senator wishes to conduct?

Mr. LEVIN. That is helpful. I wonder if Senator DORGAN could be recognized for 15 minutes. I will ask unanimous consent to extend it, if necessary, but it will give us an idea how we can proceed, and then I ask unanimous consent that following Senator DORGAN, the Chair recognize the managers.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Senator DORGAN is recognized for 15 minutes, and then the managers will be recognized.

Mr. DORGAN. I thank Senators LEVIN and WARNER for their leadership on the Defense authorization bill and the Armed Services Committee which brings to us the Defense authorization bill. They held a hearing on the subject

of Iraq contracting at one point in their committee, and I went to testify before that hearing. It is interesting that at that hearing my testimony about a range of issues with respect to subcontractors doing contracting in Iraq was contradicted by an Army general. That Army general is now under investigation because it is anticipated that Army general did not provide truthful testimony to the committee. One of the things I wanted to talk about today was about the issue of profound waste of money with respect to Iraq contracting. But then I want to talk about how much money we have committed and how much we have appropriated and, for that matter, authorized to Iraq at a time when the special inspector general for Iraq tells us that that country is pumping out about 2 million barrels of oil a day, selling it on the open market, amassing substantial cash for their own country, and the Iraqi treasury is now expected to have a surplus of around \$50 billion. The Government of Iraq is accumulating a surplus of about \$50 billion currently, and it is estimated to be \$79, perhaps \$79 billion by the end of the year.

Contrast that with this country. Iraq is pumping oil, 2 million barrels a day, selling oil. We go up to the gas pump and put gas in our cars and pay money that ends up in Iraqi banks. In fact, that Iraqi money is in the Federal Reserve Bank in the United States. Meanwhile, Americans are paying high prices for oil, part of which ends up in Iraqi coffers, and Iraq has about \$50 billion, while we are up to our neck in debt. It is unbelievable. We have a fiscal policy that is wildly out of control. We are going to borrow \$600 to \$700 billion this year. We are spending money for reconstruction in Iraq.

Let me show a picture of something called the Whale. The Whale is a facility that has been built in Iraq, and it is a facility called the Kahn Bani Sa'ad prison. If we take a look at this picture, we see bricks falling all over, an unbelievable mess. This doesn't look like a building. It looks like a construction site that is under substantial disrepair.

Let me tell the story about the Kahn Bani Sa'ad prison. Our Government told them that they had to build this prison. We are going to build this with American money. The Iraqi said: We don't need this prison. We won't use this prison. If you are going to build it, it is built in the wrong location, but we don't want this built.

The American Government said: We are going to build this prison. They contracted with Parsons Corporation for \$30 million. My understanding is that after spending \$30 million, they actually got rid of that contractor and brought another contractor in and spent another \$10 million. Here it sits. They call it the Whale. It sits on the sands of Iraq, paid for with American taxpayer money, never used, will never be used. It is shoddy construction,

bricks are falling apart. It is unbelievable. It is a hood ornament on incompetence in my judgment, the Whale.

How much more of this should we do? I have spent a career on the Senate floor talking about how miserable the oversight has been with respect to these contractors. Here is one small but illustrative example. A contractor was supposed to be buying towels for the troops, little hand towels, Kellogg, Brown & Root, a subsidiary of Halliburton, buying hand towels for the troops. Henry Bunting, a purchasing employee, is told: Buy hand towels for the Army. So he orders some white hand towels.

His supervisor said: You cannot do that. You have to buy hand towels with "KBR" embroidered on them, the name of the company.

He said: That will triple or quadruple the price of these towels.

His supervisor said: That doesn't matter. This is a cost-plus contract. The taxpayers will pay for that.

So the towels ordered for American troops were towels with "KBR" embroidered on them—Kellogg Brown & Root—at triple or quadruple the cost to the American taxpayer.

There were \$85,000 trucks left behind to be torched—brandnew \$85,000 trucks left beside the road in Iraq to be torched—because they had a flat tire, they did not have a wrench to fix it, or had a plugged fuel pump and they did not have the tools to fix it. These weren't dangerous areas where there was a concern about being attacked. These were pacified areas where a repair could have been made. But the decision was to just have the truck torched, because taxpayers could just buy new ones.

You think these are stories that are wild? No. That is just the beginning. I have held 17 hearings on it.

I say to Senator WARNER, he will recall the day I came to the committee and testified about this issue. He will recall a General Johnson who testified just after me and said: Senator DORGAN is wrong about this. Then he told you what he thought the truth was. It turns out he deceived the committee.

That General Johnson is now under investigation by the Secretary of Defense. I asked the Inspector General to look into the testimony—my testimony and his. Several weeks before General Johnson came before the Armed Services Committee, the Inspector General had furnished a report, an interim report, to the military saying exactly the opposite of what General Johnson told the Armed Services Committee.

I appreciate the fact that Senator WARNER held that hearing, and I also appreciate the fact that Secretary Gates is now investigating because, if anything, we desperately need people who come to this Congress to testify to tell the truth and not deceive the Congress. That particular issue was a water issue that was providing water—this was Halliburton and Kellogg

Brown & Root providing water—to the military bases in Iraq. The allegation has been since sustained, by the way, by the inspector general's report.

Mr. WARNER. Mr. President, I do recall very vividly the Senator coming before the Senate Armed Services Committee—I believe I was chairman at that time—

Mr. DORGAN. I say to the Senator, you were the chair of the hearing

Mr. WARNER. For the purpose of bringing to the attention of the committee this very important issue.

Mr. DORGAN. Mr. President, that particular issue was the provision of water to the military bases in Iraq. We discovered the nonpotable water that was sent to the bases for showering, shaving, brushing their teeth was twice as contaminated as raw water from the Euphrates River because the contractor was not doing its job and not testing the water.

Well, I will not go on. I could go on at great length talking about the unbelievable waste. But what I do want to say is this: In recent months, what we have discovered is that in the country of Iraq they are amassing a very substantial amount of money. At the moment, we believe it is \$50 billion and expected to grow to \$79 billion in budget surplus in their bank accounts by the end of this year.

It seems to me from an infrastructure standpoint it is time—long past the time, in fact—for Iraqis, who have money in the bank—and a lot of it—to begin providing their own needs and infrastructure and investment. It is interesting to me and somewhat depressing, I would say, that in this year we are building somewhere close to 950 water projects in the country of Iraq. Let me say that again: about 950 water projects in the country of Iraq—with American taxpayers' money at the same time the President has recommended that we cut \$1 billion out of water project investment in this country. It does not make much sense to me.

Now, here is what I propose. There are three accounts for which we have appropriated American taxpayers' dollars in which a substantial amount of that is as yet unspent and, in fact, a substantial amount unobligated. I believe when we have some billions of dollars that have previously been appropriated but are unobligated, that at this point—given the fact that Iraq has substantial surpluses and we have substantial deficits, given the fact that we have spent somewhere now over two-thirds of a trillion dollars in the pursuit of the war in Iraq and Afghanistan, and so much of it has been infrastructure investment in addition to replenishment of the military accounts—I believe it is time for us to take at least a baby step and say: Do you know what. With respect to that which has been appropriated but is yet unobligated, it is time to ask the Iraqis to pay for the cost of this with their surplus that sits in a Federal Reserve bank.

Now, let me provide some evidence of all of this.

The New York Times of August 6, that is last month:

Soaring oil prices will leave the Iraqi government with a cumulative budget surplus of as much as \$79 billion by year's end, according to an American federal oversight agency. But Iraq has spent only a minute fraction of that on reconstruction costs, which are now largely borne by the United States.

Does this make sense? Does anybody think this makes sense? We are deep in debt. They have massive cash reserves they are building every single day by pulling up 2 million barrels of oil and selling it on the market, and we are told we should keep paying for these costs? It does not make much sense to me.

A Government Accountability Office report to Congress from last month:

[From 2005 to 2007], the Iraqi government was unable to spend all the funds it budgeted, especially for investment activities.

I am not talking about the surplus now. The surplus is that which is over the amount of money the Iraqi Government was going to spend. They could not spend the amount of money they decided to spend, and yet they have accumulated large surpluses beyond that.

Significant amounts of unspent money from the 2006 and 2007 Iraqi budgets remain available for further infrastructure investment by the Government of Iraq.

That is from the Special Inspector General for Iraq Reconstruction Report to us dated July 30.

Iraq Deputy Prime Minister Salih said, as noted in the special inspector general's report to Congress on July 30:

Iraq does not need financial assistance. "Iraq does not need financial assistance."

This is just another example of that which I have held 17 hearings on. This is an April 30, 2006, article:

A \$243 million program led by the United States Army Corps of Engineers to build 150 health care clinics in Iraq has in some cases produced little more than empty shells of crumbling concrete and shattered bricks cemented together into uneven walls. . . .

This is a picture of a man named Judge Al Radhi. Judge Al Radhi was selected by us, by the Coalition Provisional Authority, by Mr. Bremer, to be the Commissioner of Public Integrity in Iraq. He found \$18 billion of graft and corruption. He found examples where we appropriated money for Iraq to buy airplanes, warships, and tanks, and there are no airplanes, warships, and tanks purchased with that money. The money is gone, but the equipment does not exist. By the way, one of the Ministers from the Government is now living in a plush place overseas, and the money apparently is in a Swiss bank. This man, by the way, was not even supported by our own State Department. Eventually, the Iraqi Government wanted to get rid of him, and they did. A substantial number of the people who worked for him were assassinated. They tried to kill him a couple of times. He came. He had the courage to come and testify before a committee

hearing that I requested before the Senate Appropriations Committee.

He said \$18 billion was taken—most of it American money. He talked about the Ministers who took it and where they are now and the tanks and ships and planes that were supposed to have been purchased with our money that did not exist. The money is gone. The equipment does not exist.

Well, Mr. President, that is a long way of saying that, obviously, I am impatient about all of these issues, having held a lot of hearings on all this. My colleague, Senator LEVIN, has spoken of this issue often, recently, and going back some long while on the subject of who should bear these costs.

If the Iraqi Government has substantial amounts of money in bank accounts in surplus—\$50 billion now and \$75, \$79 billion by the end of the year—should they not bear the cost of some of their own reconstruction rather than continue to ask—after 5 long years—the United States, which is deep in debt, to have to bear this cost and bear the burden? The answer clearly is yes. We ought to ask Iraq to do more.

Now, I am going to offer an amendment. I am not asking us to take a giant step. But let's at least take a baby step in the right direction, a reasonable step toward common sense, to say: Do you know what. We are off-track in fiscal policy. We have an unbelievable mess, and it is time to start taking a look at some of this spending and using a deep reservoir of common sense on this issue. At this point in time it is reasonable for us to say if the county of Iraq is selling 2 million barrels of oil a day, amassing very large amounts of surplus in their treasury, we ought to be relieved of the burden of using American money to build infrastructure in Iraq that could easily, and should be, built with Iraqi money.

It is not the case of us abandoning the Iraqi Government. But it is the case of saying we ought to expect them to do for their own, which they can. Again, I just refer to the comment that was made by the Deputy Prime Minister of Iraq, who said:

Iraq does not need financial assistance.

That ought to be an invitation, finally, at long last, for us to use some common sense in the way we begin to address these issues.

There are appropriated funds that are as yet unspent and unobligated. It seems to me appropriate for us at this point to begin to look at finding ways to decide that those funds, rather than being spent and burdening the American taxpayer, should be covered by the surpluses that exist in bank accounts with the name of the county of Iraq on the account.

Mr. President, I intend to work with my colleagues on the amendment I will offer. But I did want to describe the reason for it today. I appreciate very much the time offered to me by the chairman and ranking member.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I commend the Senator from North Dakota. This subject, which he has described, is a subject which every American—at least those I have spoken to—understands. Regardless of their position on the Iraq war, regardless of whether they believe we did the right thing going in, regardless of whether they are critics of the Bush administration's policies, this cuts across every single line. I have not talked to anybody, at least in my State of Michigan, who believes that when Iraq has \$80 billion in surplus funds sitting in banks, some of which are our banks drawing interest from our taxpayers—we have paid billions of dollars in interest on Iraqi surplus accounts coming from sales of oil, much of which comes to America, much of which ends up in our tanks at \$4 a gallon, enriching themselves at the expense of the American taxpayers. Why in heaven's name they are not paying for the kinds of items which Senator DORGAN has described beats me and I think it absolutely stuns at least every American I have spoken to when they hear about it. This cuts across all the positions on the war and the success of the surge or the lack of success because it hasn't accomplished its purposes.

This issue is a critically important issue. It is shocking. It is unsustainable, it is untenable, it is unconscionable that Iraq is not paying for the kinds of reconstruction efforts the Senator has described.

Senator WARNER and I wrote a letter some months ago, and we received a response on this subject which provides a lot of the information to which Senator DORGAN has referred. I commend Senator WARNER because he has been active in trying to probe this area: How many surplus funds are there and how much is being added every day and what are they being spent for? So we have been able to accumulate a lot of information which I believe will be very supportive of an amendment which Senator DORGAN may offer and hopefully will put in a form which can command bipartisan support of the Senate.

Mr. DORGAN. Mr. President, if I might just make an observation, let me also thank Senator WARNER from Virginia for his work on this, and the Senator from Michigan, and say that this publication—and I know the two of you have been very supportive of it—by the special inspector general for Iraq—this is dated July 30, so it is 2 months ago, a month and a half old. This publication has some unbelievable information in it about what is necessary, what kinds of expenditures exist in the major reconstruction accounts. There is at the moment \$7 billion in the three reconstruction accounts that is unspent and unobligated.

As I move this amendment, I wish to work with both of you to see if we can construct the amendment in a manner that meets your needs and my needs because I believe this will make real progress.

Again, I thank both the chairman and the ranking member for their work on these issues. I am well aware of the letter they wrote some months ago.

Mr. WARNER. Mr. President, if I might add, I appreciate the sentiments of both of my colleagues. It has been a joint effort by Senator LEVIN and me.

Mr. President, I ask unanimous consent to have the letter we prepared printed in the RECORD after this colloquy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. I wish to also bring to the Senator's attention—he already knows, but those following the debate should have been advised that this letter prompted a GAO study, and that study, which was released recently, received widespread attention, not only here in the Senate and in the House of Representatives but throughout the Government and other circles. So I would say we are well along in achieving some—what I would call better accounting for these dollars, better control over the expenditures.

We have heard that the report is prepared by Stuart Bowen, whom I see regularly, three or four times a year, and I know my colleague and others feel likewise. I have a high regard for the work he and his staff have done through the years with that report. There was a time when there were elements of the Government—I won't get into specifics—which wanted to abolish that department. I think the Senator from Michigan remembers that. We stepped in and said in very simple language: No way; they are going to continue.

Mr. DORGAN. Mr. President, if the Senator will yield for a question or comment, I think the special inspector general, Stuart Bowen, has done a terrific job. I would commend all of my colleagues to take a look at the reports the special inspector general has issued. They are unbelievably valuable to us.

The Senator is correct. There were some who were pushing very hard to eliminate the special inspector general, and it was the fight waged by Senator LEVIN and Senator WARNER to say that would not make sense at all. So I appreciate the work of Inspector General Bowen, and I appreciate the work of my colleagues.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, March 6, 2008.

Hon. DAVID M. WALKER,
Comptroller General of the United States,
Washington, DC.

DEAR MR. WALKER: Nearly five years ago, on March 27, 2003, then Deputy Secretary of Defense Paul Wolfowitz, in testimony before the Defense Subcommittee of the House Appropriations Committee, was asked whom he expected would pay for the rebuilding of Iraq. He answered that "there's a lot of money to pay for this. It doesn't have to be U.S. taxpayer money. And it starts with the

assets of the Iraqi people . . . the oil revenues of that country could bring between 50 and 100 billion dollars over the course of the next two or three years. . . . We are dealing with a country that can really finance its own reconstruction and relatively soon.”

In fact, we believe that it has been overwhelmingly U.S. taxpayer money that has funded Iraq reconstruction over the last five years, despite Iraq earning billions of dollars in oil revenue over that time period that have ended up in non-Iraqi banks. At the same time, our conversations with both Iraqis and Americans during our frequent visits to Iraq, as well as official government and unofficial media reports, have convinced us that the Iraqi Government is not doing nearly enough to provide essential services and improve the quality of life of its citizens.

According to the U.S. Department of State's Iraq Weekly Status Report for February 27, 2008, the Iraq Oil Ministry goal for 2008 is to produce 2.2 million barrels per day (MBPD). To date through the 24th of February, the 2008 weekly averages have ranged from a low of 2.1 MBPD to a high of 2.51 MBPD, missing that goal for one week only. Exports are over 1.9 MBPD, with revenues estimated at \$41.0 billion in 2007 and \$9.4 billion in 2008 year to date.

Extrapolating the \$9.4 billion of oil revenues for the first two months of 2008 yields an estimate of \$56.4 billion for all of 2008. And that figure will probably be low given the predictions for oil prices to continue to rise over the coming year. In essence, we believe that Iraq will accrue at least \$100.0 billion in oil revenues in 2007 and 2008.

We request you look into this matter and provide answers to the following questions:

What are the estimated Iraqi oil revenues each year from 2003–2007?

How much has Iraq and the United States, respectively, spent annually during that time period on training, equipping and supporting Iraqi security forces, and on Iraq reconstruction, governance, and economic development?

What are the projections for oil revenue and spending for 2008?

What is the estimate of the total Iraqi oil revenue that has accumulated unspent from 2003–2007, and the expected estimate at the end of 2008?

How much money does the Iraqi Government have deposited, in which banks, and in what countries?

Why has the Iraqi Government not spent more of its oil revenue on reconstruction, economic development and providing essential services for the Iraqi people?

Your assistance in this matter would be appreciated.

Sincerely,

JOHN WARNER,
Member.

CARL LEVIN,
Chairman.

The ACTING PRESIDENT pro tempore. The Senator from Michigan has the floor.

Mr. LEVIN. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I wish to express my appreciation to Senator

LEVIN and Senator WARNER and the staff and other members of the Armed Services Committee who have worked hard to produce a bill that I think does the job pretty well to meet the challenges we have and at the same time has bipartisan support, which is important for passage as it is one of the realities of this Senate. So I think we have done fairly well.

I wish to share some thoughts about some issues in general.

I think it was Fareed Zakaria who wrote a book not too long ago noting that perhaps we had reached the end of history or beyond history. I understand he has since indicated that is not a viable philosophy anymore. I saw the cover, I believe, in the Weekly Standard recently which said: “The Return of History.” History teaches us that this is a dangerous world. We wish it were not so. We wish we did not have to have a Defense Department. We wish there were no such thing as war. I respect people who are prepared to be total pacifists in their lives, but for most of us who lack that kind of faith, we believe we have to be prepared to defend our legitimate national interests around the globe and do those things with courage and fidelity and to think ahead, to be prepared, and that peace is most often accomplished through strength. I believe we have a pretty good recognition of that in this bill, and that is why I support it out of committee.

I wish to note the unease we have seen in some of the nations of the world. We know about the rogue nations. But it has been very troubling, I have to say, what Russia is doing today. It seems in their statements, in their comments, in their actions, and in their military aggression that they are not seeking to align themselves with nations of good will that seek to work in ways that avoid military conflict, that act in ways that are just and fair to their neighbors. So that is a big problem, some of the things they have been saying to the Czech Republic and Poland about missile defense; some of the threats they have raised toward the Baltics; the military attack they launched in Georgia; their rhetoric in Georgia; their rhetoric toward the United States represents almost bizarre activity. That is something I had hoped wouldn't happen. I think President Bush has done everything he could, saying that he divined in examining Mr. Putin that he had a good heart, but it looks as if that heart is—if it was good then, it is getting darker and darker today. I just wish it weren't so, but I am afraid it is so.

We are looking at what is happening in China, whose economy continues to grow. There is a very nationalistic impulse in China. Their military is growing at a rapid pace. It is technologically advanced. We spend billions and billions of dollars on developing weapons systems and research and development. Too often, China steals that information and then produces a

system that may well be comparable in some aspects for a far less investment than we put into it.

So those are things we face in the world today. I think a wise nation, a mature nation understands that you have to be prepared, that you have to be ready to defend your values, and that allowing nations that do not share our values to achieve military parity or advantage is not a good thing.

I wish to share, along those lines, a resolution I will be offering. It will be to call on this Senate to exercise its prerogative to make a statement through a sense-of-the-Senate resolution that we affirm the action taken by the Czech Republic and Poland to accept and participate in our goal of establishing a third site for missile defense in Europe. Missiles launched by Iran would pass over Europe before they reached the United States. Truly, Iran does not have that capability today, but our intelligence experts tell us they are moving forward with progress toward that goal. They also seem totally unrepentant with regard to their determination to build nuclear weapons, which is even more problematic as we think about the possibility that they could launch a nuclear weapon attack against our allies or even against the United States. Central Europe represents a good location to place another missile defense system.

I heard someone suggest: Well, the Russians have a right to be concerned. We were concerned when the Russians put missiles in Cuba. But, of course, those were offensive nuclear weapons designed to kill people. What we are talking about is operating with independent, sovereign nations to put a system up that would have limited capability to protect us from missile attack. It has no offensive capability. It is a defensive, peacekeeping weapons system.

For reasons that go beyond my comprehension, the Russians have apparently felt that they have a right to decide what the people of Poland do or what the people of the Czech Republic do. They are going to tell them that they can't have such a system. They at one time were under the Soviet boot, so now the Russians have a right to tell them that they can't—as an independent, sovereign, democratic Nation—make a decision that is in their interests and in the world's interests and in Europe's interests and in NATO's interests to place a limited missile defense system there. What kind of mentality is that? I say that because that ought to give us concern in this body. We ought to be concerned about that kind of mentality. It spilled out in a military attack in Georgia. It was not coincidental that while the Russian troops were still attacking in Georgia, high Government officials from Poland and the Ukraine and, I believe, Estonia came to Georgia and stood with them because they have a real sense that they might be next. They have not forgotten what Mr.

Putin said last year or the year before—less than 2 years ago. He said the greatest disaster of the 20th century was the collapse of the Soviet Union.

What does that have to say about Russia's mentality and approach to life today? We were at a NATO conference not too long ago, and one nation that had been under the Soviet Communist boot, in response to that, and after our discussion, said they thought that may have not been the worst thing in the 20th century. They said they thought it was the best thing that happened in the 20th century. That is the kind of reality we are dealing with in the world. It tells us we are not beyond history. History is here. It has not gone away.

We need to be very smart about how we utilize our limited financial resources to prepare ourselves for the future. These are problems we have to think about. Of course, we have the immediate threat of terrorism. We know the history of the attacks on the United States, on our warship, the USS *Cole*, in a neutral harbor; marines have been attacked; the Khobar Towers—by a group of people whose stated objective was to destroy us. Bin Laden declared war on the United States. That is what he said on his Web site—that he was at war with us. He killed so many of our people on 9/11, and destroyed the trade towers and attacked our own Pentagon, our own military headquarters right here in the United States. Is that not an act of war? Is that not consistent with a desire to destroy the United States? They had the Capitol or the White House in their sights, had it not been for the American heroes who took that plane down in Pennsylvania. So I guess we have to prepare for that. I wish it weren't so. I wish we could sit down with these terrorists and have a few hours of discussion and reach some accord that would result in us not having to prepare to spend billions of dollars to defend our interests around the world, and they would stop attacking us. But that is not likely to happen. That is not going to happen in the short term.

President Bush was right, fundamentally, in his decision that we would not sit on defense and wait to be attacked again. He made a fundamental decision that the best way to preserve, protect, and defend the United States of America is for our military to quit being on the defensive and allowing terrorists to be treated as a law enforcement problem and, after they attack you, you see if you cannot investigate and figure out who it is and perhaps prosecute somebody. We needed to defend America and stop the attacks before they came. That is what I believe history will give him high marks for. It has been going on 6 or 7 years and we have not had another attack on this country. It has been a challenge for us. We have called on our military to perform to the highest level. We have sent them time and again into dangerous places. We have extended their deployment.

We hated to do that, but we have done it. They have met the challenge and they have answered the call. They have been successful in protecting us. We don't know how things will come out, but I believe we will be able to see the government reach maturity in Iraq—a decent and good government that is a positive force in the world, and likewise in Afghanistan.

I think we should be prepared as a Senate to affirm the action of Poland in recent weeks to approve the deployment of 10 missile interceptors in Poland. That could be effective against an Iranian attack or maybe a mistake. It would not be enough to stop the hundreds of missiles the Russians have, for Heaven's sake. It would not be able to do that, but it would be able to protect Europe, and even the United States, from the long-range missiles that Iran is striving to build right now. It is also a good way to bind our countries in mutual security and mutual interests, and it affirms the Czechs' and the Poles' commitment to democracy and freedom, to the Western way of life, to the values we share, and a rejection on their part of terrorism and bullying. We will be offering that resolution, and I will talk more about it.

We also need to be sure that we follow through on the authorization to send this bill and actually see that the money gets appropriated in the next aspect of Defense spending. For example, I will note that our committee, I am most proud to say, has fully funded and given the authorization to fund the site for the Czechs and the Poles, who have supported the President's request in that regard. I think it was a very important decision on our committee. Other committees of the Congress that have relevant jurisdiction to put out the money have not been as supportive. I am proud that our committee has been. It is important for these other committees—it is important in the geopolitical world we are in that our friends, our allies, free sovereign nations, Poland and the Czech Republic, have stood up to pressure from Russia and they have stood up to leftist complaints, and they have agreed to deploy this system.

We ought to affirm it with a strong vote on this resolution and, ultimately, in passing an appropriation that is adequately funded. It is not going to be difficult to put this system in place. It would require some little differences in the missile system. We need a two-stage instead of a three-stage rocket. That is not hard to adjust to. But the main guidance systems, the high technology, would be the same. We are on track to do this.

Our bill that Senators LEVIN and WARNER have moved forward to the floor does the right thing. I hope this Congress will explicitly express our appreciation to the Poles and Czechs and reaffirm our commitment to financially complete that project.

I see other colleagues here. I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I yield the floor to the assistant leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5414

Mr. KYL. Madam President, I send an amendment to the desk for myself and Senators VITTER, INHOFE, MARTINEZ, WARNER, and LEVIN.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. VITTER, Mr. INHOFE, Mr. MARTINEZ, Mr. WARNER, and Mr. LEVIN, proposes an amendment numbered 5414.

Mr. KYL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available from Research, Development, Test, and Evaluation, Defense-wide activities, \$89,000,000 for the activation and deployment of the AN/TPY-2 forward-based X-band radar)

At the end of subtitle C of title II, add the following:

SEC. 237. ACTIVATION AND DEPLOYMENT OF AN/TPY-2 FORWARD-BASED X-BAND RADAR.

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, up to \$89,000,000 may be available for Ballistic Missile Defense Sensors for the activation and deployment of the AN/TPY-2 forward-based X-band radar to a classified location.

(b) LIMITATION.—

(1) IN GENERAL.—Funds may not be available under subsection (a) for the purpose specified in that subsection until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the deployment of the AN/TPY-2 forward-based X-band radar as described in that subsection, including:

(A) The location of deployment of the radar.

(B) A description of the operational parameters of the deployment of the radar, including planning for force protection.

(C) A description of any recurring and non-recurring expenses associated with the deployment of the radar.

(D) A description of the cost-sharing arrangements between the United States and the country in which the radar will be deployed regarding the expenses described in subparagraph (C).

(E) A description of the other terms and conditions of the agreement between the United States and such country regarding the deployment of the radar.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

Mr. KYL. Madam President, I express my strong support for the amendment I offered on deploying an advanced early warning radar to an allied country from near term ballistic missile threats.

This is a commonsense amendment and I hope it receives wide, bipartisan support from my colleagues.

We all know what other countries are developing: We are now living in a world in which at least 27 nations have ballistic missile capability, and the knowledge to build and use them is rapidly proliferating.

Most recently, Iran's clumsy missile test earlier this summer may not have demonstrated new technology, but it certainly demonstrated the desire to be in the club of the nations with ballistic missile and weapons of mass destruction capability. As the latest IAEA report informed us, the Iranian missile threat is real and growing.

General Obering, director of the Missile Defense Agency, offered compelling illustrations of this growing threat in his testimony earlier this year to the Senate Armed Services Committee: "Iran continues to pursue newer and longer-range missile systems and advanced warhead designs."

"Iran is developing an extended-range version of the Shahab-3 that could strike our allies and friends in the Middle East and Europe as well as our deployed forces. It is developing a new Ashura medium-range ballistic missile capable of reaching Israel and U.S. bases in Eastern Europe."

"Iranian public statements also indicate that its solid-propellant technology is maturing; with its significantly faster launch sequence, this new missile is an improvement over the liquid-fuel Shahab-3."

The amendment offered provides funding for the Missile Defense Agency to deploy an early-warning X-band missile defense radar to an allied nation, which press reports have noted was agreed to in meetings with senior DOD leaders and the allied nation's defense leaders. Due to the sensitive nature of preparations for this deployment, details concerning the specific location and operational concept have not been publicly revealed.

However, spokesman for the Missile Defense Agency said the new system could double or even triple a threat missiles' range of identification, which would be particularly useful should countries such as Syria or Iran launch an attack against a critical allied nation.

The new capability will improve the allied nation's missile defense capability, allowing it to engage threats such as the Iranian Shahab-3 ballistic missile. A defense security expert said the significance of the deal is that it will add "precious minutes" to its early warning ability.

The newly deployed early warning radar will also provide an important element of the U.S. missile defense network, providing ascent and mid-course coverage of missiles, launched from Iran, as well as the eastern Mediterranean.

Mr. President, this amendment is common sense and I urge my colleagues to support it. Rogue nations

such as Iran are dangerous and represent a vital threat to our own security and the security of our allies.

Iran possesses ballistic missiles and is rapidly developing more advanced, long-range missiles.

The U.S. must act responsibly, take this threat seriously, and take the necessary steps to protect our deployed forces and our allies.

Madam President, I thank Senator LEVIN and Senator WARNER for their cooperation in considering this amendment. This is a rather last-minute request. The committee would not have been able to put it in the bill because the request came up very recently from the Department of Defense. There is still an aspect of it that is classified. It has to do with the deployment of an X-band missile defense radar to an allied country. This amendment will allow the administration to go forward with that plan. I understand there is no opposition. I don't need to discuss it further.

Mr. WARNER. Madam President, I commend our distinguished colleague for this amendment. It is one that was specifically requested by the administration. I think in a most cooperative way, our distinguished chairman has joined in. It relates to the missile defense system which is so essential to our Nation and indeed much of the free world.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I thank Senator KYL for not just the amendment but his willingness to work to craft the language in a way that I think has improved it, narrowed it in a number of ways, but also meets the needs of the Defense Department and our allies.

Mr. WARNER. Madam President, I urge consideration of the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 5414) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I ask that Senator LEAHY's amendment No. 5323 be considered.

The PRESIDING OFFICER. Without objection, the amendment is once again pending.

The Senator from Virginia is recognized.

Mr. WARNER. Madam President, on this side, I saw that the amendment was sent to the Judiciary Committee. The distinguished Senator from Alabama, Mr. SESSIONS, reviewed it. I know of no request for a recorded vote.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment.

Mr. LEVIN. Madam President, I ask unanimous consent that the yeas and nays be vitiated on the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5323

Mr. LEVIN. Madam President, is the pending amendment now the Leahy amendment No. 5323?

The PRESIDING OFFICER. Yes, it is.

Mr. LEVIN. I don't know of any further debate.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 5323.

The amendment (No. 5323) was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. KYL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5280

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate resume consideration of the Vitter amendment No. 5280 and that all debate time be yielded back, except for 2 minutes equally divided; and that at 6 p.m., the Senate proceed to vote in relation to the Vitter amendment; that upon disposition of the Vitter amendment, the Senate resume consideration of the Nelson amendment and proceed to vote with respect to that amendment, provided that the 2 minutes of debate be made available prior to the vote; and that the other provisions of the previous order governing prohibition on intervening amendments prior to a vote and any other appropriate restrictions remain in effect.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Madam President, reserving the right to object, and I will not object, I think we should either order the rollcall votes now or inform colleagues there will be rollcall votes.

Mr. LEVIN. I believe when we say the Senate proceed to vote at 6 o'clock—the unanimous consent request does intend to provide for rollcall votes on both amendments described. I thank my friend from Virginia for that clarification.

Mr. WARNER. I want my colleagues fully informed.

Mr. LEVIN. I also ask unanimous consent that it be in order to request the yeas and nays at this time.

The PRESIDING OFFICER. With respect to both amendments?

Mr. LEVIN. With respect to both amendments.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Madam President, we had a very brief discussion whether the second vote will be a 10-minute vote. It is part of the order.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. LEVIN. I thank all our colleagues. I thank the Senator from North Dakota for his patience.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, the bill on the floor of the Senate is the Defense authorization bill. It has much to do about the security of this country, talking about "defense." Tomorrow will be the seventh anniversary of the attacks on September 11, 2001.

I was sitting here thinking that on that morning at 9 o'clock, I was part a regular Tuesday morning meeting of the Democratic leadership here in the Capitol Building. We saw on television what happened to the trade towers in New York. We heard the television reports, and then we saw the plume of smoke come from the Pentagon. Then someone from security rushed into the room and indicated they felt there was an incoming plane to strike the Capitol Building, and we were very quickly evacuated. That was 7 years ago tomorrow.

Standing in the beautiful morning sun that day looking up into the sky and seeing F-16 fighter planes flying air cover over the Capitol of the United States was a pretty remarkable sight, knowing our country had been attacked. Then in very short order we discovered who attacked our country that day, who attacked the World Trade Towers, who attacked the Pentagon, who brought down the plane in Pennsylvania. We discovered it was a group called al-Qaida and a leader named Osama bin Laden who not only plotted the attack but boasted and took credit for the attack. That was 7 years ago tomorrow.

Because we are talking about national security in the Defense authorization bill, I wanted to call my colleagues' attention to the fact that on August 12, 2008, a speech was given here in Washington, DC, by the National Intelligence Officer for Transnational Threats. He addressed the Washington Institute Special Policy Forum. What he said in many ways tracks with what we heard last summer from the National Intelligence Estimate.

Let me put up a chart with some words from the National Intelligence Estimate because it is relevant to what we are talking about here on the Defense authorization bill, that is, de-

fending our country, keeping America free. Here is what last year's July 2007 National Intelligence Estimate says. This is the declassified version of what had previously been and what was a classified intelligence estimate:

Al-Qaida is and will remain the most serious terrorist threat to the homeland . . . we assess the group has protected or regenerated key elements of its homeland attack capability, including: A safe haven in the Pakistan Federally Administered Tribal Areas, operational lieutenants, and its top leadership.

Think of that. In July 2007, 6 years after America was attacked by Osama bin Laden, and our National Intelligence Estimate was telling us that organization has regenerated its leadership, has developed new training camps, has, in fact, a secure hideaway. This says "safe haven." Can you imagine? Now it is 7 years after the attack, and our intelligence community still says those who boasted of murdering thousands of innocent Americans have a "safe haven." There ought not be an acre of ground on this planet that is safe for those who murdered those innocent Americans 7 years ago tomorrow.

Let me read what was said by Mr. Ted Gistaro, who is the National Intelligence Officer for Transnational Threats. Here is what he said in August:

Al-Qaida remains the most serious terrorist threat to the United States. We assess that al-Qaida's intent to attack the U.S. homeland remains undiminished. Attack planning continues. In spite of successful U.S.-allied operations against al-Qaida, the group has maintained or strengthened key elements of its capability to attack the United States in the past year.

This from our intelligence community.

Finally:

Al-Qaida has replenished its bench of skilled midlevel lieutenants capable of directing global operations. It now has many of the operational and organizational advantages it once enjoyed across the border in Afghanistan. Al-Qaida is identifying, training, and positioning operatives for attacks in the west, likely including in the United States.

All of this from top intelligence officials in our country. Seven years after we were attacked by those who boasted about engineering and planning the attack to murder innocent Americans, those who have promised to do it again, we are told by our national intelligence folks that they have regenerated their capability, they have resurrected their training camps, they are recruiting new recruits to al-Qaida, and that the most significant threat to the United States is al-Qaida, the most serious terrorist threat to our homeland.

Now, I don't understand. We are, of course, bogged down in a lengthy war in the country of Iraq. Iraq did not attack our country on 9/11/2001; al-Qaida did. We are bogged down in a war in Iraq. We see Afghanistan slipping through our fingers with the resurrection of the Taliban. And even more im-

portant, we are told that the most serious threat to our country—we are told by intelligence estimates—is al-Qaida, which is growing in strength. So here we go again.

In August of 2001, the Presidential daily brief said that Osama bin Laden wanted to:

Bring the fight to America; wanted to conduct terrorist attacks in the U.S.; wanted to retaliate in Washington; wanted to hijack a U.S. aircraft.

The August 2001 intelligence briefing to President Bush talked of "Patterns of suspicious activity in this country consistent with preparations for hijackings or other types of attack." It said that "The FBI is conducting approximately 70 full field investigations throughout the United States that it considers bin Laden related."

That was August of 2001. Seven years later, the greatest threat to our country is al-Qaida and its leadership. That is unbelievable to me. And we see, beginning last year—and I have shown my colleagues this before—beginning last year, September 11:

Al-Qaida's Return. The Terrorists Have a Sanctuary Once Again.

October 3 last year:

Pakistan seen losing the fight against the Taliban and al-Qaida. Military officials say the insurgents have enhanced their ability to threaten not only Pakistan, but the United States and Europe as well.

The same article says:

Pakistan's government is losing its war against emboldened and insurgent forces, giving al-Qaida and the Taliban more territory in which to operate and allowing the groups to plot increasingly ambitious attacks.

CIA Director Hayden, on "Meet the Press" this year, just months ago, said this:

It is very clear to us that al-Qaida has been able, over the past 18 months or so, to establish a safe haven along the Afghanistan-Pakistan border area that they have not enjoyed before; that they are bringing operatives into that region for training.

I have flown over that area in an airplane. You can't see a border. I understand you can't distinguish between Afghanistan and Pakistan. You look down and see mountains and you see rugged terrain. You don't see any kind of border. I understand how difficult it might be to deal with al-Qaida in that region. What I don't understand is why it has not been the singular priority of our country to bring to justice those who planned the attacks against our country on 9/11/2001. And if someone says it has been a priority, show me the evidence. Seven years later and we have "safe havens" or "secure areas," both terms used by our intelligence to describe areas of the ground on this planet where it is safe and secure for al-Qaida to recruit new soldiers, to train new soldiers, to plan new attacks against our country. That is unbelievable.

In my judgment, it must be a priority for us to deal with the most serious threat to our homeland. That is

not my assessment, that is the assessment of the CIA Director and it is the assessment of the National Intelligence Estimate. That simply must be a priority.

In August 2001 the intelligence community said "Bin Laden is determined to strike U.S." That is what we knew. That is what U.S. leaders we were told in the intelligence briefings. In July 2007 the intelligence community told us: "Al-Qaida better positioned to strike the west." One would have hoped, with the hundreds and hundreds of billions of dollars we have spent in defense of this country and in this country's national security interests, that one of the major priorities would have been to bring to justice those who plotted the attack of 9/11/2001. Regrettably, that has not been the case.

I hope very much, as we pass this legislation, that things will change. We have very big challenges. A terrorist threat exists. It is serious. It is relentless. It seems to me we will best be served not by moving—as we have now for 5 years—our money, our effort, our treasury, and the lives of our soldiers to continue the war in Iraq but, rather, by addressing the worsening condition in Afghanistan and addressing the question of why we have not brought to justice Osama bin Laden and the al-Qaida leadership that is in a safe or secure sanctuary in the Pakistan border area.

Now, Madam President, this country has a lot at stake, and the fight against terrorism is a real fight. We have made a lot of very serious mistakes in the last years. Mistakes aren't Republican or Democratic, they are just mistakes our country has made. We are bogged down in a long, difficult war in Iraq. We have spent \$20 billion training Iraqi soldiers and police forces. We have trained half a million people in the country of Iraq. We have spent \$20 billion doing it. We have spent two-thirds of a trillion dollars in that war, and yet we are told we must remain in Iraq because the Iraqi people aren't capable of providing for their own security. We have trained half a million of them. If able-bodied Iraqis don't have the will to provide for security in Iraq, this country can't do that forever. It is their country, not ours. It is their responsibility, not ours.

This country was diverted to Iraq when, in fact, this country should have been in a position where, 7 years after the 9/11 attack of 2001, we wouldn't be describing Osama bin Laden and al-Qaida as the greatest threat to the homeland. But that is what has happened. We can't change what has happened, but it seems to me what we can change is what we are determined to do about it in the future.

It is my hope, as we discuss in some detail our national security and defense, the authorization of Defense expenditures, that we will decide this is not Osama bin Laden; this is Osama bin Laden, who threatens this country, who is the most significant

threat to our homeland, and who is resurrecting training camps and recruiting new soldiers for al-Qaida. It is our responsibility as a country to address that and to address it now.

Madam President, I yield the floor.
The Senator from Florida.

DEPARTMENT OF INTERIOR IG REPORT

Mr. NELSON of Florida. Madam President, yesterday, I warned publicly that we could not trust the oil companies that want to drill in the waters off our most protected coastlines nor the Federal watchdogs charged with keeping a watchful eye over them. Now we have proof because just this afternoon the inspector general at the Department of the Interior has released this scathing report about the Mineral Management Service in the U.S. Department of the Interior and specifically an office that manages revenue from offshore oil drilling, and it concludes:

We also discovered a culture of substance abuse and promiscuity in the Royalty-in-Kind Program, both within the program—including the supervisor, Greg Smith, who engaged in illegal drug use and had sexual relations with subordinates—and in concert with the industry. Internally, several staff admitted to illegal drug use as well as illicit sexual encounters. Alcohol abuse appears to have been a problem when program staff socialized with the industry. For example, two program staff accepted lodging from industry after industry events because they were too intoxicated to drive home or to their hotel. These same program staff also engaged in brief sexual relationships with industry contacts. Sexual relationships with prohibited sources cannot, by definition, be arm's-length.

The inspector general's report goes on to say:

More specifically, we discovered that between 2002 and 2006, nearly one-third of the entire program staff socialized with and received a wide array of gifts and gratuities from oil and gas companies with whom the Royalty-in-Kind Program was conducting official business. While the dollar amounts of the gifts and gratuities was not enormous, these employees accepted gifts with prodigious frequency. In particular, two Royalty-in-Kind Program marketeers received combined gifts and gratuities on at least 135 occasions from four major oil and gas companies with whom they were doing business.

This is in the offshore leasing program, Madam President.

I continue the quote:

... A textbook example of improperly receiving gifts from prohibited sources. When confronted by our investigators, none of the employees involved displayed remorse.

It is bad enough that the Government employees who oversee offshore oil drilling are literally, as well as figuratively, in bed with big oil. The rest of the U.S. Government doesn't need to jump in bed with them.

Offshore drilling will not solve our energy crisis nor will it bring down prices at the pump. Instead, it will enrich the oil companies and reward the culture of corruption that has been fostered, funded, and now exposed by the inspector general of the Department of the Interior.

This comes out at a time that we are being told: Drill here, drill now, drill,

baby, drill—as if that were the solution. We should simply not allow ourselves to become a part of the agenda of the oil companies. Here we have an example from the inspector general of what is supposed to be the Government watchdogs overseeing a part of this offshore leasing program that uses sex and drugs and illegal gifts to foster their program.

I commend to my colleagues the three parts of the inspector general's detailed report along with the memorandum which is the cover memorandum from the inspector general, Earl Devaney, on the subject of the office of the inspector general investigation of the MMS, the Minerals Management Service, employees.

Madam President, I ask unanimous consent to have printed in the RECORD what is moving across the wire right now, the Associated Press story by Dina Cappiello, about this expose.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GOV'T OFFICIALS PROBED ABOUT ILLICIT SEX,
GIFTS

(By Dina Cappiello)

WASHINGTON (AP).—Government officials handling billions of dollars in oil royalties engaged in illicit sex with employees of energy companies they were dealing with and received numerous gifts from them, federal investigators said Wednesday.

The alleged transgressions involve 13 Interior Department employees in Denver and Washington. Their alleged improprieties include rigging contracts, working part-time as private oil consultants, and having sexual relationships with—and accepting golf and ski trips and dinners from—oil company employees, according to three reports released Wednesday by the Interior Department's inspector general.

The investigations reveal a "culture of substance abuse and promiscuity" by a small group of individuals "wholly lacking in acceptance of or adherence to government ethical standards," wrote Inspector General Earl E. Devaney.

The reports describe a fraternity house atmosphere inside the Denver Minerals Management Service office responsible for marketing the oil and gas that energy companies barter to the government instead of making cash royalty payments for drilling on federal lands. The government received \$4.3 billion in such Royalty-in-Kind payments last year. The oil is then resold to energy companies or put in the nation's emergency stockpile.

Between 2002 and 2006, nearly a third of the 55-person staff in the Denver office received gifts and gratuities from oil and gas companies, the investigators found.

Devaney said the former head of the Denver Royalty-in-Kind office, Gregory W. Smith, used illegal drugs and had sex with subordinates. The report said Smith also steered government contracts to a consulting business that was employing him part-time.

Smith, contacted by e-mail by The Associated Press, said he had not seen the report and could not respond. He and nine other employees in the Denver office are mentioned in the reports.

The findings are the latest sign of trouble at the Minerals Management Service, which has already been accused of mismanaging the collection of fees from oil companies and writing faulty contracts for drilling on government land and offshore. The charges also

come as lawmakers and both presidential candidates weigh giving oil companies more access to federal lands, which would bring in more money to the federal government.

Mr. NELSON of Florida. Madam President, all of this is happening while we are considering what to do about energy. I hope we will remember that what we ought to do, what we need to do, is drill where it makes sense. But if you want to lower gas prices, we need higher miles per gallon on our cars. We need to increase our tax incentives to our consumers so they can buy more efficient automobiles and tax incentives to the industry so they can retool, as well as we need to increase our oil refining capacity. That is the way we solve the problem of being dependent on oil in this energy crisis we are facing.

Madam President, I see my colleague from New Jersey, who has been a kindred spirit on this question of drilling offshore, off of our two respective States. I do not know if the Senator heard what I just talked about, about the inspector general's report, about what has been going on, the hanky-panky that has been going on over at the Minerals Management Service at the Department of the Interior.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Madam President, while I did not come to the floor for purposes of talking about something both Senator NELSON and I are passionate about, which is making sure the Nation's energy challenge is met but making sure it is met in a responsible way, I must say I appreciate him coming to the floor with a revelation that just came out and is being reported. It calls into question the nature of the decisions, the information and the substance of looking at drilling policy, as has been suggested, when there are clearly influences here that are geared toward supporting big oil versus what is the ultimate interest of the American people in achieving energy security and independence. I will be speaking about that and joining Senator NELSON in the near future.

I am concerned at what the inspector general's report says. It should be alarming to every Member of the Senate. I appreciate the Senator from Florida bringing it to the attention of the Senate.

Madam President, I ask unanimous consent to speak as in morning business.

Mr. WARNER. If I might ask the Senator, about how long would the Senator wish to speak?

Mr. MENENDEZ. About 10 minutes.

Mr. WARNER. I thank the Senator.

Mr. MENENDEZ. Madam President, what I came to the floor to talk about is Osama bin Laden. None of us will ever forget—no one in this country will ever forget—the shock and the horror we felt, 7 years ago tomorrow, when we realized that a group of terrorist murderers had taken 3,000 American lives,

taken down two of our monumental skyscrapers, and taken a chunk of our military headquarters at the same time, as well as downed a plane in the fields of Pennsylvania.

I know this is true for every American. It is seared into our hearts as well as in our mind. I know it specifically by virtue of the hundreds of New Jerseyans who were lost on that fateful day.

Before long we learned the name of the organization that plotted and executed this plot. They are called al-Qaida. Although he had already been a deadly force before that fateful day, each and every American would soon learn the name of the evil mastermind behind this carnage, Osama bin Laden.

As a country, we were unified in our grief and unified in our resolve to find bin Laden dead or alive, as our President said. There was no reason to think we would not succeed. We live in the greatest country on the Earth, with the greatest military in the world and the greatest resolve of any people. We are the country that taught man to fly, that has helped save the world from marauding dictators, and put a human being on the Moon. If we set our mind to capturing or killing the people responsible for this mass murder, then we were going to get the job done.

Here is the thing. As we speak here today, 7 years have passed since those terrorist attacks, and where is Osama bin Laden? Where is the man who killed 3,000 of our fellow Americans? Where is our Nation's No. 1 enemy? He was allowed to get off the hook. He was allowed to rebuild his terrorist organization to pre-9/11 strength, as has been noted by testimony before the Senate Foreign Relations Committee, of which I am a member. It has been noted in various official reports. He was allowed to establish his own safe zone along the Afghanistan-Pakistan border.

I do not think any American would disagree that the words "Osama bin Laden" and "safe" should never be uttered in the same sentence. Why is he living in a safe zone? Why was he allowed to rebuild his terrorist organization? Why has he not suffered for the consequences of his mass murder?

I would say the answer to that question is because President Bush—who was so steadfast in his call to go after bin Laden and smoke him out of his hole, with the backing of a unified country in the days after September 11, when I was squarely with the President in that regard—decided not to commit the military force necessary to finish the job when bin Laden and al-Qaida were cornered in the mountains of Afghanistan. He decided to outsource the fighting to warlords in Afghanistan who took our money, put it in their pockets, and let bin Laden get away. He decided that the war against those who actually attacked us was not worth the absolute commitment of the most powerful, sophisticated, technologically advanced military in the world.

Instead, he committed the full force of the United States military to invade and police another country, Iraq, which had no part in the murder of 3,000 Americans.

As bad as that sounds, the reality is even worse than that. It was not just about the White House losing its focus. They misled the American people so they could start a new war. They assumed Afghanistan would stabilize itself and maybe bin Laden would turn up one day. So let's add up the running tally of these ill-fated decisions of President Bush: a forgotten war against the real terrorist threat in Afghanistan along the Afghan-Pakistan border, plus misleading the American people into a war of choice—not a war of necessity, where no one from al-Qaida or bin Laden was engaged; a stunning disaster of a war that had no connection to September 11—increased anger in the Middle East; squandered international goodwill; becoming entrenched as Iraq's military police force; a military stretched thin, less able to respond to the real challenges of this country where Afghanistan and Pakistan's border are.

I was there earlier in August with the distinguished majority leader. I heard what our generals said. They said they needed 10,000 troops minimally—now; not next year, now—to face the challenges they are having in the resurgence of the Taliban and the new tactics they have acquired from al-Qaida, an al-Qaida that is rushing over that border, plus \$600 billion in U.S. taxpayers' money, easily going well over \$1 trillion, to secure and rebuild another country that we were told—I sat at those hearings—we were told, when we asked how much is this engagement going to cost: Oh, we were told, not more than \$50 billion max.

Madam President, \$600 billion later, \$12 billion a month and rising—by the way, not only were we told it is not \$50 billion, we were told Iraq's oil would pay for all of it. What we have seen is \$600 billion of the taxpayers' money, later, rising clearly in excess of \$1 trillion and Iraq having a surplus in its budget. We are running deficits, Iraq has a surplus in its budget of anywhere between \$50 and \$70 billion, and yet we still continue to pay for their reconstruction. I was there this past January.

Of course, beyond all of this, beyond all of this, the most important, incalculable loss—over 4,100 American service men and women who have been lost in Iraq.

What does this all add up to? It adds up, in my view, to less security here at home, one terrorist mastermind responsible for the deaths of 3,000 dead Americans, plotting and planning yet again in his very own safe zone to pre-September 11 strength.

That is a huge challenge. I recently returned from a trip to Afghanistan with the distinguished majority leader and several of our colleagues. Our troops and their commanders are doing

a terrific job with what they have been given, as they always do.

But the message from everything I saw when I was there and heard from the people we always say let's listen to—the commanders in the field—well, I listened to General McKiernan, who is the commanding general not only of our troops but also the NATO forces there. I listened to General Schlosser, who is in the midst of that part of Afghanistan that is in the fight. They said clearly they needed extra troops.

I heard the President's decision: They will not get those troops, even though they need them until sometime next year. In the interim, the fight intensifies, the risks grow greater, and our challenges grow more difficult.

Afghanistan and Pakistan are the epicenter, the epicenter of the threat to our Nation. Things are not going to get better in that region or with our security here at home until we commit our focus to doing away with a resurgent Taliban and a resurgent al-Qaida once and for all.

Our focus must be on what are called the Federally Administered Tribal Areas, or FATA, those lawless areas along the Afghanistan-Pakistan border, our major challenges.

The Chairman of the Joint Chiefs of Staff said it himself in June, so let me quote him because this is the ultimate authority advising the President. He said:

I believe fundamentally if the United States is going to get hit, it's going to come out of the planning that leadership in the FATA is generating, their planning and direction.

It could not be said more powerfully by the Chairman of the Joint Chiefs of Staff and more clearly: That is where the threat is coming from. That is where we need to focus if we are to secure our Nation.

Our colleague, Senator MCCAIN, who is now the standard bearer for his party, has expressed his desire to keep our troops entrenched in Iraq even beyond what the Iraqis want and even beyond what President Bush has been calling for.

This does not help us with Afghanistan, this does not help us with Osama bin Laden, this does not help us target the threat of the Nation that is most vital. So I hope that after the solemn memorials and heartfelt remembrances we have tomorrow, on the seventh anniversary of September 11, after we continue to mourn and after we pray for those we have lost, when our thoughts turn again to preventing a repeat of September 11, making sure that "never again" means never again, I hope we can rededicate ourselves, as we did in the weeks following the attacks, to going after those responsible for this mass murder and ridding ourselves of that threat once and for all.

Let us not only follow bin Laden to the gates of hell, let us follow bin Laden to the cave in which he is in, in that region along the Afghan-Pakistan border.

It is never too late. It is never too late to bring the masterminds of September 11 to justice, to diminish the real challenge to our security, and to ultimately achieve what I truly believe is in the national security interest of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, with the concurrence of the distinguished chairman, I wonder if our colleague from Texas could be recognized. He is a very valued member of our committee. He wants to discuss, for 8 minutes, our bill.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, if I might inquire, I talked to the distinguished chairman. I know the Rules Committee is reviewing the amendment. I am a little confused, and maybe he can help. I understand there could be an objection to my calling up the amendment. But I know the chairman is trying to work with me in trying to work this out.

But if I only have 8 minutes to speak, and I do not know yet whether there is going to be an objection to calling it up, I guess all I can do is go ahead and call it up and see what happens. But I do not wish to dishonor the commitment I made to him to try to work with him. But I am in a little bit of a box.

Mr. LEVIN. If the Senator would yield, the Rules Committee has jurisdiction over the amendment, over the subject matter of the amendment. That is why we are asking the Rules Committee to give us their reaction. Before I can give unanimous consent to make it a pending amendment, I want to hear from the Rules Committee, which is part of the regular process of the Senate, since it is within their jurisdiction.

So if the Senator will bear with me, I do not know what I will do if the Senator asks unanimous consent until the Rules Committee replies. If I do not hear from them by the moment the Senator asks unanimous consent, if the Senator decides to do so, I will have to make up my mind without the benefit of their advice.

Mr. CORNYN. Madam President, I hope that after hearing the subject matter of this amendment, the distinguished chairman of the Armed Services Committee will agree with me that the subject matter is of overwhelming importance.

This has to do with the fact that in 2006—2006—it is estimated that only 5.5 percent of qualified military voters deployed overseas, as well as civilians eligible to vote in the 2006 election, only 5.5 percent actually had their votes counted.

Of the troops that attempted to vote by asking for their ballots in 2006, less than half, only 47.6 percent of their completed ballots actually arrived back at the local election office and

were counted. That is according to the U.S. Election Assistance Commission.

I know all our colleagues would agree that if there is anyone who deserves to have their vote counted, and certainly this is a fundamental civil right for all American citizens, but if anyone is entitled to the best efforts that this body could possibly supply to make sure their vote is actually counted, that it would be our men and women in harm's way, fighting to protect our very freedoms.

To me, this is an outrage of such proportion that I cannot believe the Department of Defense, knowing these statistics, is simply complacent about preserving and protecting the right of our deployed military and civilians overseas to vote in elections.

To me, this is an appalling feature of our absentee voting system, and we need to take action right now. Of course, the appropriate vehicle as we are talking about protecting the right of military voters is on the Defense authorization bill. We know time is running out, only 54 days, I believe, until the next general election. We need to do everything in our power to make sure their right to vote is protected.

That is why I decided to introduce a bill last May called the Military Voting Protection Act of 2008. Currently, I believe I have, to the stand-alone bill, 30 cosponsors.

I believe the Department of Defense, if it is unwilling to take the necessary steps to protect the rights to vote for our deployed troops, then it is up to us to direct them to do so, to mandate that requirement in law and to make it a priority, not something they get around to perhaps after they have done everything else.

Certainly, the Department of Defense can better use modern technology to protect the ability of our troops to participate in elections. We know it is also important to recognize the right of privacy and the integrity of the voting system by calling upon the Department of Defense to focus its efforts on secure, efficient systems that would achieve these important goals.

I have more extended remarks, but I do not feel they are necessary at this time. I have seen a letter from the Department of Defense about some of their responses to the bill I have introduced. I would say in each case it is classified more as bureaucratic gobble-dygook and not a serious effort to try to solve this problem.

I am actually very disappointed that the Department of Defense would take the position that preserving the votes of our deployed military is so unimportant that they would not welcome the participation of the Senate in finding ways to make sure every fighting man and woman's vote is counted.

I ask unanimous consent to call up amendment 5329 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I am constrained and will object at this time because of the reasons

I gave before. So I do object. I hope this objection can be dealt with overnight. I hope I can hear from the Rules Committee and understand what their position is. But at least at this time I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Madam President, I am sorry to hear the chairman has objected. Of course, there is no requirement that the committee pass on these matters. I understand his interest in getting their input, but I cannot imagine what sort of input the Rules Committee might give now or later that we could not work on this either as this bill proceeds to completion, I hope to completion this week or next or during the conference committee process.

But to object to my ability to actually get it pending before the Senate is regrettable. At this point, I have no other recourse.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I think the distinguished chairman and I are aware the Senate would now turn to the highway bill. I believe the distinguished chairman of the Environment and Public Works Committee will be arriving, and the distinguished ranking member is present on the floor at this time. Perhaps they could advise us with regard to the amount of time that would be required to have to act on this.

Mr. INHOFE. Madam President, first of all, let me thank the distinguished ranking member for the fine work he is doing on the Defense authorization bill. We have to get this done at a later time because there will not be time.

Right now I would like to address some of the comments that were made in the last few minutes about what some people misinterpret as not a successful operation in Iraq. I think it is amazing that you can be successful, all of our troops over there bathe in the success we have had in Iraq and still refer to it as an invasion instead of a liberation. Later on I will address those remarks.

Right now it is my understanding—I would ask if it is accurate—that the chairman and myself, the ranking member of the Environment and Public Works Committee, will be involved in about either 1 hour or 90 minutes equally divided, I would ask the Chair. This is on the highway trust fund fix.

RESTORING HIGHWAY TRUST FUND BALANCE

Mrs. BOXER. Madam President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 6532, and that the Senate then proceed to its consideration; that the only amendment in order be the Baucus amendment which is at the desk; that the amendment be considered as agreed to and the motion to reconsider be laid upon the table; and that there then be 90 minutes of

debate with respect to the bill, as amended, with the time equally divided and controlled between the leaders or their designees; and that upon the use or yielding back, the Senate proceed to vote on passage of the bill, as amended, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, Madam President, it is my understanding that under the current unanimous consent agreement, we will begin voting on two amendments on the Defense authorization bill at 6 o'clock; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Would the unanimous consent request of the Senator from California modify the existing unanimous consent?

The PRESIDING OFFICER. The vote that is scheduled to occur at 6 p.m. will occur unless an agreement specifies differently.

Mr. LEVIN. It is my understanding that this agreement does not specify differently, and on that basis I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 6532) to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, this is an important moment for us, not just for us as legislators acting responsibly but for our States and for the working people of this country. We were perilously close to having a shortfall in the highway trust fund which would have resulted in slowing down contracts on repairing bridges, building highways, et cetera. Six times the Senate has brought up legislation to restore money to the highway trust fund and protect those jobs, but until now my Republican friends on the other side of the aisle have put up roadblocks and filibustered us.

Today, at a hearing we held on the status of our bridges, the condition of our bridges, the Bush administration itself urged us to act. I was very grateful to Senator INHOFE for his work. Because we have been facing objections from Senators DEMINT, GREGG, and others, we were unable to move forward. We are very grateful we have reached this moment so we may vote on this important legislation and solve the immediate crisis.

We all know what has been happening with the trust fund. First, \$8 billion was borrowed from the trust fund in 1998. We need to restore those funds. That is what we are doing today. Beyond that, we have to figure out a way to finance highways and transit systems and repair bridges and the rest with a more secure source of funding.

Senator INHOFE and I are working together on that, along with Senators ISAKSON, BAUCUS, and the rest of the members of the Environment and Public Works Committee. We know our colleagues in the House are doing it as well. We are going to have to look at how we keep pace with the many billions of dollars needed for repair. We have to make sure we pay attention to our Nation's infrastructure if we care about a thriving economy, moving goods, moving people, all the rest. If we ignore this, it is to our detriment. We saw a bridge collapse in Minnesota. We were reminded of that today at the hearing. All of us were appalled to see what that looks like. I know bridges in California, in Oklahoma, bridges all over the country are in need of repair. We can't play politics. That is why we have been on the Senate floor. We have sent letters, asked our friends to back off. If they want to make a statement about how to fund transit and highways, that is very appropriate as we write the new highway bill.

What is happening out there is, obviously, because of the horrible price of gas, which, thank goodness, has come down a little bit, people are turning away from driving or they are doubling up. They are switching to hybrid cars. Hopefully, soon we will see more opportunities for electric cars. As a result, however, the trust fund, which gets its funding from the gas tax, has been going down. That, coupled with the borrowing that we did in 1998 from the trust fund, has led us to this day.

I don't have much more of a statement except I want to thank certain people who weighed in to push us and my friends on the other side. I hope they were pushed by this to back off and say: Let's have a clean bill. Let's fix the problem. Then we will debate how we get a highway trust fund that is necessary for the needs of the country.

AAA was very helpful, as was the American Association of State Highway and Transportation Officials; the American Society of Civil Engineers; the American Road and Transportation Builders Association; the American Highway Users Alliance; the American Trucking Association; the Associated General Contractors of America; the National Association of Counties; the National Association of Manufacturers; the National Governors Association; the National Conference of State Legislatures; Midwestern Governors' Association; the Coalition of Northeastern Governors; the Transportation Trades Department, AFL-CIO; the U.S. Chamber of Commerce.

Again, what we are doing is simply restoring the revenue that was shifted out of the trust fund 10 years ago when the balances were high. What we are doing is saying to many working people that we are not going to let them run the risk of being laid off, fired, having to come home and tell their family they can't work. We know that is a fact because each billion dollars of

Federal funding is estimated to support 34,000 jobs. If we didn't act on this and that \$8 billion was not restored, we would have lost 379,000 jobs all across America; in my own State, 32,000 jobs. This is not the time to play games. In August, we lost 84,000 jobs in America. Imagine if we had added another 379,000 lost jobs.

Today, through the wonders of communication I can say to State and local officials watching us have confidence that the flow of funds to build and operate transportation systems, to build highways and bridges, to make sure communities are insured, those funds are going to be there. Again, as we move behind this crisis, I do look forward to working with my colleagues on both sides of the aisle. Senator INHOFE and I, Senators BAUCUS and ISAKSON, we call ourselves the big four of the committee. We have met. Our staffs are meeting every day. We are meeting. We are coming up with principles, what is the fair way to fund infrastructure needs. These meetings have been very important. They are not ideological. They are only business. How do we take care of business? That means moving goods, people, keeping the country going. I can't tell my colleagues how pleased I am that we can have the opportunity today to vote on a clean bill, simply restoring the \$8 billion that was borrowed from this fund and sending a signal to the 300,000-plus people who would have lost their jobs, at least this is some bit of good news for them in what has been a very bleak economy.

I yield the floor and reserve the remainder of my time through the leader's office on our side.

AMENDMENT NO. 5427

(Purpose: To change the date of restoration.)

The PRESIDING OFFICER. Pursuant to the previous order, amendment No. 5427 is agreed to.

The amendment (No. 5427) was agreed to, as follows:

On page 3, line 2, strike "September 30, 2008" and insert "the date of the enactment of this Act".

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I ask unanimous consent that time on the Republican side be allocated as follows: 15 minutes for Senator DEMINT, 10 minutes for Senator GREGG, 10 minutes for Senator COBURN, 10 minutes for Senator INHOFE.

Mr. INHOFE. I don't object, Mr. President, but I would also like to be included in that particular order just given.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, I would like to address the issue of this highway bill and the charge that it has been held by me and a few others. The fact is, this \$8 billion highway trust fund bailout has not been held up. The

only request was that it come to the floor with some debate and the opportunity for amendment, which is the normal Senate process. The request was that this \$8 billion be passed in secret essentially with no vote and no debate. Our only request as Senators was that we have a chance to bring to light why this happened.

A few years from now—maybe even a few months—many of my colleagues are going to wake up and look at our Nation's finances and wonder how we got in this mess. We are running this country into the ground, and we are actually on the verge of an economic crisis because of incredible overspending and a huge growing debt. One bill after another comes up, and we pass it almost without thinking and spend more and more borrowed money.

Today's votes are creating tomorrow's fiscal disaster. This \$8 billion highway trust fund bailout is only one example among many I would like to mention over the next few minutes.

During the previous year, the Democratic-controlled Congress has produced a parade of fiscally irresponsible bills that have mortgaged our Nation's future and could ultimately bankrupt the Nation and harm the future for our children and grandchildren. If we look at the 2008 appropriations bills, at the end of 2007 Congress passed a bloated budget bill. Supposedly, they were going to get things under control, but this exploded with over 10,000 earmarks. On top of that, there were a number of budget tricks and gimmicks that hid at least \$14 billion of extra spending.

Not too long after, we brought up the farm bill. This was reauthorizing an antiquated farm program that cost taxpayers billions and increased costs to consumers all across the country. This was a \$600 billion bill over 10 years. It was all borrowed money. We don't have this money to spend. Yet we continue to spend it. It included numerous wasteful, unnecessary earmarks that had nothing to do with a solid farm bill. Just a few examples would be \$257 million in tax earmarks for Plum Creek Timber Company. This is the Nation's largest private landowner, a multibillion-dollar company with over \$7 billion in capitalization. Yet we believed we needed to give them \$257 million.

The language in the farm bill also requires the Forest Service to sell portions of a certain mountain to a ski resort and over \$1 million to the national sheep and goat industry—all worthy causes, I am sure, but not worthy of more borrowed money and more debt on the future of Americans.

The so-called stimulus package, over \$100 billion was supposed to help solve our problems. Certainly, it didn't. We sent checks to all Americans but did little to fix the problem. Over \$100 billion more in borrowed money that we didn't have, just sending checks to people to build up our political clout rather than do something for the country.

We need to have a predictable Tax Code, lower our corporate tax rate, make the current tax rates permanent so businesses and investors know what their tax rate will be in the future. But we don't debate that. We just send out checks with borrowed money.

Everyone knows more and more about the housing bill. The housing bill bailed out mortgage companies that had made bad loans and ultimately included a section that allowed the U.S. Government to essentially nationalize the mortgage industry. As part of that bill, we created a \$4 billion deficit spending slush fund for community development block grants and millions that went to a very suspect group, the ACORN group. That seems to be more of a political group to get out the vote for some of our colleagues.

Now, we know we have taken over these two large companies of Fannie Mae and Freddie Mac. Now the taxpayers are on the hook for what could be hundreds of billions of dollars because of the lack of congressional oversight over the last several years. As part of that bill, I had asked for one amendment that would stop the lobbying and the contributions to Congress by these two corporations that we are now bailing out. But instead of giving me that amendment, the majority leader kept the Senate here until Saturday to avoid that one vote that would have done what all of us know needs to be done and stopped the political influence from these companies for which we are supposed to be providing oversight.

Today we are talking about \$8 billion that we are going to borrow and put in the highway trust fund. Supposedly back in the late 1990s, \$8 billion was taken as part of an agreement to set up a separate trust fund. I will take them at their word for that. But we have had numerous opportunities this year to save more than that amount of money, if we knew we needed it. Frankly, the Department of Transportation says we probably only need about half of that right now. Yet we are going to take \$8 billion from the general fund, borrow it, and put it in the trust fund.

Highway infrastructure is one of the most important things we can do as a Nation.

But much of this bill is not about roads and bridges. It is numerous, wasteful earmarks that I am afraid could end up as part of this \$8 billion. The current bill includes \$45 million for a magnetic levitation train project in Las Vegas; \$2.5 million for landscaping enhancements along a freeway; \$3.3 million for a bike trail in Laredo, TX. This list could go on page after page. These are not priority projects. They do not deserve us going into more debt as a nation to borrow this money.

We have had numerous opportunities to cut these projects so that the highway trust fund would not go broke. Only a few months ago, we had a transportation technical corrections bill. We had almost a billion dollars of projects

that were no longer needed or wanted by the States. Yet, instead of saving that \$1 billion, we added back essentially the same amount of new projects.

Now we are here at the trough again, and we have a crisis, and we will put a lot of people out of work if we do not produce this bill. That is why we have agreed to forgo the opportunity to offer amendments, even though we should not pass an \$8 billion bill without the opportunity to debate it in more detail.

I wish to remind my colleagues, we do not have this \$8 billion. It is borrowed money, and we are going to move it from one account to another, and borrow it from who knows where—China or somewhere else—because we do not have that money. But there are numerous problems with this, and we need to recognize that the earmarks, the wasteful earmarks, are taking priority national projects and putting them places they do not need to be. Our lack of an energy policy in this Nation that has run up the cost of gasoline has restricted the ability of Americans to travel, and that in itself has reduced the revenues to the trust fund. So we have caused this problem ourselves by congressional mismanagement, and now we want the taxpayers to bail us out again.

Again, this is a bill I think we need as far as funding projects. But the way it is done, and the fact that it is done with no more accountability on earmarks and the things that have caused the problems, makes it very difficult to support the bill, even though I see long-term highway funding being one of the most important things we can do.

I hope the chairman and ranking member of the committee will consider next year, as we go into reauthorizing a highway program, the fact that the Federal Government should no longer be involved in non-Federal projects around the country. We have an opportunity to devolve this program to the States, where the money would stay at home and be used for real priorities, not for things I decide or another colleague decides they want for somebody back home where the State does not necessarily want it to go.

Obviously, we have talked a lot about the “bridge to nowhere” and other projects such as that across the country. But I hope I will get the support of my colleagues to move this back to the States, give them the ability to manage their own programs over the years, and stop this wasteful spending at the Federal level.

Again, there are a number of amendments we would have liked to have had the opportunity to offer, and I wish to warn my colleagues, the pattern that is developing here is that we are passing bills by unanimous consent, with no debate, no amendments. This goes on bill after bill. We are passing very bad legislation with very little accountability to the American people.

But I appreciate the passion of Senator INHOFE and others who know we

need to push this through, and it is not fair to the States or to the workers to blindsides them with shortfalls as we have. But the shortfalls are of our own doing, and it is because of our own waste and incompetence here in Congress that we have ended up with this problem and more debt on the American people. I hope next year we will go about doing it in a much better way than we have done in the past.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor this evening to talk about the emergency we are facing in the highway trust fund. The highway trust fund is the primary means of funding all of our highway construction and repair projects in every State in this Nation.

Last Friday, President Bush's Transportation Secretary, Mary Peters, acknowledged finally what we on this side have been warning about for months: that the highway account of our highway trust fund is broke.

We have been hearing denials of this crisis for some time, but the Bush administration has now finally taken a closer look at the real receipts that are coming in from the Federal gas tax and discovered their estimates have been off by some \$3 billion just since May. Now they tell us they are preparing to default on their bills to our States.

Let me make it very clear to everyone how serious the impact could be. If we do not pass the bill that is before the Senate this evening, my Transportation Appropriations Subcommittee is going to be forced to slash money for Federal highway investments in every State across the country, and it is going to cost each of our States tens of millions of dollars in the next month alone.

Not only does this threaten the safety of our Nation's roads and bridges, it could also very easily mean tens of thousands of jobs lost, as the Federal Government defaults on the contracts in every State of our Union.

Now, this nightmare is going to become a reality just as the unemployment rate has reached the highest it has been in nearly 5 years. Our country lost 84,000 jobs in August alone—84,000 jobs—which came on top of job losses in July and June and, in fact, every month of this year.

We know people across this country are hurting. Many are wondering how they are going to be able to pay their bills as the weather now starts to get colder and they have to begin turning on their heat.

If we do not shore up this trust fund, we are going to be forced to halt ongoing highway projects dead in their tracks. That means thousands upon thousands of people who go to work every day in the construction industry in our Nation to build our highways and bridges are going to be told to go home and do not come back to work the next morning.

The urgency of this bill is very critical. We cannot delay it. I hope we can put aside the ideology and partisanship for the evening and everyone can work together for the good of the Nation on this critical issue because we literally cannot afford to wait any longer.

I want to explain the situation so my colleagues understand where we stand this evening. This coming Thursday—that is tomorrow—may be the last time the Federal Government will be able to reimburse 100 percent of their expenses. The Department of Transportation has told my Transportation and Housing Appropriations Subcommittee that on Thursday, September 18—that is a week from tomorrow—reimbursements could drop to as little as 64 percent of the funds that States are due. They simply have to offer the States an IOU for the rest.

In my home State of Washington, 21 percent of the transportation budget is supported by the Federal gas tax. Local agencies spend between \$15 million and \$30 million per month in Federal dollars. If the Federal Government has to cut back or cut off funds, Washington State will lose between \$33 million and \$54 million a month over the next 5 months.

That is only one State, one example in this country. In other States, the Federal Government's share is a lot bigger than in Washington State. In fact, at a hearing this morning, the Oklahoma Transportation Director, Gary Ridley, testified to the Senate about the impact it will have in his State. In answer to questions, he said, in Oklahoma, 85 percent of the State's construction program—85 percent—is paid for with Federal funds. He said the kind of crisis we are talking about will have a “dramatic effect” on his State's ability to move forward on road construction.

He told us that in Oklahoma they just opened bids on \$80 million in highway work, including a \$40 million project to replace a bridge in Oklahoma City that has been identified as having numerous safety vulnerabilities. But Mr. Ridley testified this morning he has had to ask his State highway commission to hold off on those contracts. In fact, he said he might even have to stop all right-of-way acquisition and construction projects until we here in Congress find a solution to this trust fund crisis.

So this is a desperate situation in every State across the country. What is most disturbing to me is it is not as though we did not know this was coming. I have been sounding the alarm about the highway trust fund for almost 2 years. My Democratic colleagues and I have warned repeatedly that we face a looming disaster. We have proposed a solution that would enable these funds to stay solvent, so our States are whole, so our construction industry can continue during this construction season to move forward on these critical safety transportation projects. We have made it clear that

without action this year, we would face a financial disaster, and that it was coming upon us very fast.

Well, the situation is so serious that after months of blocking our legislative solution, this administration, the Bush administration, did a 180 and is now asking us—in fact, telling us—we have to get a bill on the President's desk by the end of this week. So I am very hopeful this evening we can finally move this bill and provide a solution to our States.

What this bill does is replace \$8 billion that was taken out of the highway trust fund back at the end of 1998. This is not a bailout from the general fund of the Treasury. That \$8 billion was collected from our gas taxes for the purposes of being deposited into the highway trust fund.

Now, at the time, the trust fund was flush with money and people did not think we needed it. Well, clearly, we need it now. We are proposing to restore that \$8 billion that was paid in gas tax receipts to the trust fund, and we are not asking for a penny more.

This is not new to anyone in this body. We have debated this proposal before. I and my ranking member on the Transportation Appropriations Subcommittee, Senator BOND, included this proposed transfer in our Transportation, Housing and Urban Development appropriations bill. So it has been a bipartisan effort in our Senate Transportation Subcommittee.

In fact, Democrats also tried to pass this proposal back in June on the FAA bill. We included it in the tax extender package. We tried to pass it as part of the stimulus bill.

Well, we are back this evening. We have another chance. We are working on a bipartisan basis to move this critical bill forward, and I urge my colleagues again to get this done this evening because, as I said, we are going to start seeing severe consequences to this crisis if we do not act and work together on this now.

As I said, this Thursday—tomorrow—could be the last day that our States are fully reimbursed for construction work. So by this time next week, States may have to start doing without. The stakes could not be higher. Mr. President, 84,000 jobs were lost last month. We cannot afford to put another job at risk. But, importantly, these construction contracts are out there and we are in the middle of construction season. Our States need to know we stand by our word and this money is going to go out to them in a timely fashion.

I thank my Democratic colleagues, as well as our Republican colleagues, who have been working with us this evening in a bipartisan way to finally move this bill forward and solve this crisis that is in front of us.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, we do not have a UC on the majority side, but we do on the minority side. So our next speakers will be in the order of 10 minutes for Senator GREGG, 10 minutes for

Senator COBURN, and then I will wind up the final 10 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, there is no question there is a serious problem out there relative to the financing of already let contracts in road construction and that it is unfair to those people who have had those contracts and those people who are working on those projects that they should be blindsided by the fiscal irresponsibility of the Congress. But it is also inappropriate to the taxpayers of the United States that we should correct this problem in a way which does even more egregious harm to the future of this country by significantly expanding the deficit.

Just yesterday, we learned that the deficit of the United States has doubled under this Congress. It has gone from \$163 billion to \$407 billion. This is a huge increase in the deficit. What does the deficit mean? We are passing debt on to our children which they all have to pay for. Now we are going to, with this bill, add another \$8 billion to that deficit—\$8 billion. That is big money. Eight billion dollars would run the State of New Hampshire for at least 2 years, probably for 2½ years, so it is a lot of dollars. So this decision, the way it is being executed, the way we are approaching solving the problem of the highway trust fund running short of funds, although it needs to be done—we need to address the issue of let contracts. The way we are trying to correct the problem is the wrong way. We shouldn't be adding to the deficit to do this.

This is pretty much a self-inflicted wound, and it is really an intentionally self-inflicted wound. When the SAFETEA bill was passed, it was passed with the knowledge—the open knowledge, which was pointed out on this floor by a number of us—that the revenues in the highway trust fund, which would come from gas tax and which had always paid for highway construction, were not going to be enough to meet the largess of that bill. The avarice of our colleagues to spend money far outweighed the money that was coming into the trust fund.

We knew that in the term of SAFETEA that this was going to happen, that the lines were going to cross and that the trust fund would be depleted. That depletion was accelerated, obviously, by the fact that energy prices went up and people, rightly and appropriately, started to aggressively conserve their use of gasoline, and that was good for the country and good for ourselves in dealing with this issue of gas prices. However, it had the effect of reducing the revenues into the trust fund. So the day of reckoning, which was inevitable under the original SAFETEA bill, was accelerated and, according to the administration, occurred sort of out of the blue because 2 weeks ago they were saying they would have vetoed a bill such as this that added to the deficit, and now they are saying they support it. So they reversed their position on the basis of in-

formation they received in the last 2 weeks about the status of the trust fund.

Why was the original SAFETEA bill so out of whack? Well, it was out of whack because it included 6,000 earmarked special projects—some of which were listed by my colleague from South Carolina, Senator DEMINT—which totaled \$24 billion of spending, which we didn't have money to pay for, yet we put them on the books anyway. Then, a year ago or so, when we could have contracted those projects, we went by lapsing those projects which nobody wanted to pursue—\$1 billion worth—we decided not to. We decided instead to expand projects and add even more projects.

There has been a representation that this \$8 billion raid on the general fund by the highway fund is just a repayment for a loan that occurred in the late 1990s, as it is represented—1998, I believe it was—when the highway trust fund allegedly transferred \$8 billion to the general fund. Well, that is truly a straw dog argument because those monies never had any practical effect on Federal spending or the Federal deficit—that transfer, that event—but this event does. This is real dollars. This event is a real \$8 billion increase in the deficit. Somebody is going to have to pay for it, and the people who are going to have to pay for it basically are these young men and women right here who are serving us as pages. When they get out—they are juniors in high school, and when they get out of high school and go to college, which I am sure they all will, when they graduate they are going to start a job, and when they start that job they will find there is a big tax bill, and a large chunk of that tax bill is going to be for debt we are running up here today. So 8, 10, 12, 15 years from now, when they are starting to make their living and trying to raise their children, trying to send their kids to college, trying to buy their first home, they are going to be limited in what they can do. Why? Because they are going to have to pay a huge amount of taxes for costs which are being incurred right here today by adding to our deficit, and this is \$8 billion of our costs that we are putting onto the next generation.

This is not the correct way to do it. There are ways to pay for this. There are ways to do this that do not involve that. The cleanest would be to simply borrow the money—not from the general fund but from the mass-transit accounts which have the money—and that was what the administration suggested. It was rejected by the House because the House didn't want to be responsible. Now we are in this tight timeframe, and it is claimed that we can't have any amendments here in the Senate. We simply have to take care of this. Actually, there is some legitimacy to the tight time argument, but

it doesn't mean we shouldn't have any amendments to discuss this.

I proposed an amendment, Senator DEMINT proposed an amendment, and Senator COBURN.

My amendment was to try to avoid this in the future by reinstating rules around here which used to discipline our spending but which were, in the dark of night, eviscerated by those who wanted to spend a lot of money we don't have out of the highway trust fund. Two rules—one, that this should have a scoring event and should be subject to pay-go. How can a group of folks around here who carry a pay-go flag around as if it is the banner of fiscal responsibility say that pay-go shouldn't apply to a transfer which is going to create an \$8 billion deficit—an \$8 billion add-on to the deficit? Inexcusable. That was part of my amendment, to make pay-go applicable here.

The second part was to reinstate what is known as the Byrd Rule. BYRD developed language which said that as the trust fund—as it became apparent that the trust fund monies were not going to meet trust fund obligations, you reduce the obligations, and that was called the Byrd Rule. It was the responsible way to govern. You pay as you go. As money comes in, you spend the money. If you have a trust fund that funds a project, as that trust fund has money to pay for that project, you spend the money to pay for that project. But when SAFETEA was passed, everybody knew that a lot more money was being promised than was going to come in, so a little game was played in the middle of the night: Let's put a knife into the Byrd Rule. Let's cut it in half. Let's eviscerate it. That is exactly what happened. So I am just suggesting that we reinstate the Byrd Rule. It won't apply to this event, but at least prospectively it will. Fiscal responsibility—that is all I am asking for.

Unfortunately, it has been represented that we can't take up any amendments because we have to do this in a matter of hours or else these contracts can't go forward. Well, we could obviously have taken up the amendments. Clearly, we are going to spend 2 hours debating this. I only wanted 15 minutes to debate my amendment. It clearly could have been done in this 2-hour period. No, the issue was that we didn't want to take up any amendments that might make people have to take a hard vote. That was the issue: a hard vote on fiscal responsibility, on the issue of putting pay-go back in place and putting the Byrd Rule back in. So, using the leverage of people being put out of work and contracts which had been let not being paid for, the other side has been able to successfully get around making those hard votes. I recognize the eccentricity of the situation, but it still doesn't look well, and it is not correct.

At some point, we are going to have to face up to this, you know. One generation should not do this to another

generation. One generation should not constantly run up the debt on the next generation and take credit for the spending today which they are not willing to pay for. It is just not right. As a politician running for reelection, I shouldn't say: Oh, I got this project for my State, we are going to build this program right here, and then not be willing to say I was willing to pay for it also; instead, say: Oh, well, as to paying for it, I am going to let my children and my grandchildren, my neighbors' children and my neighbors' grandchildren worry about that problem. I am just going to do the project and take credit for it.

So what we are doing here is totally inappropriate from a fiscal standpoint, but obviously the timing of this is such that we are not going to get these votes. I intend to return to this amendment. I will find someplace to stick it on, and then everybody will have to vote on this, hopefully, at some point in the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, seeing no one on the other side of the aisle, I yield to the junior Senator from Oklahoma, Mr. COBURN, for 10 minutes.

The PRESIDING OFFICER. The junior Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I have listened to the debate today and the majority leader's remarks this morning, and I do appreciate the job my senior Senator has done in trying to secure funds for infrastructure through the trust fund. I intend to support passing this. Begrudgingly I will support it because I think it is the wrong way to do it. It is not wrong to put the additional money in there; it is wrong to not pay for it.

I can't help but note that the Senator from Washington stated that this is an emergency. Well, you haven't seen anything when you start talking about the emergencies we are getting ready to face. What about the emergency when, by law, Social Security benefits get cut, when we can't make Medicare trust fund payments? What emergency are we going to have? How is this going to compare to that? We are not allowed to do anything on this bill except debate.

I wonder what the American people would think, that we are going to spend an additional \$8 billion that we don't have—whether it is owed to the trust fund or not, we don't have it—that we are going to collect that money but we are not going to pay for it out of some of the \$300 billion-plus waste we now know exists every year in the Federal Government? Imagine if you applied that to your own situation. You have a family. You have an emergency, as the Senator from Washington said, but you know that about 12 percent of everything you spend in your household is wasted. Are you going to go out and make a note at the bank

and have your kids be responsible for paying for it or are you as a family going to get rid of some of the 11 percent or 12 percent of pure waste, pure fraud that you have going on in your family budget? None of us in America are going to do that. We wouldn't do that to our kids. We wouldn't do that in our family budget. But that is exactly what we are doing here today. This is a small one. This is a small one we are facing.

We didn't have an amendment on the floor to say we will pay for this \$8 billion by reducing the fraud in Medicare from \$80 billion to \$72 billion. There is \$80 billion a year in fraud in Medicare. We weren't offered the opportunity to offer that amendment to get rid of the fraud in Medicare so we could afford to do this. It was just released 2 weeks ago that 31 percent of the payments Medicare makes are improper payments, with 80 percent of them overpayments. That is not included in the \$80 billion worth of fraud. There is not any opportunity for us to offer an amendment to offset that incompetence and clean that up so we can pay for this.

There are similar projects in Medicaid. The Social Security disability trust fund—the GAO tells us there is \$2.5 billion a year in fraud in the Social Security disability trust fund. We didn't have an opportunity to offer an amendment to get rid of that fraud to help pay for some of this \$8 billion shortfall.

The American people are going to be scratching their heads. We are going to borrow more, and we are not going to eliminate any of the other problems, any of the other excess, or any of the other waste or fraud, which came to over \$382 billion this past year of American taxpayers' money that was unwisely spent.

We weren't given an opportunity to get rid of the performance bonuses at the Pentagon that are \$8 billion that they pay every year to Pentagon contractors who do not meet the performance requirements of their contracts but they pay them anyway. There was no opportunity for us to offer that amendment, to be able to pay for this rather than charge it to our children.

There is \$15 billion worth of excess costs associated with no-bid contracts at the Department of Homeland Security. There is no opportunity to offer an amendment to change the discipline in the contracting at Homeland Security, which we could have easily done and mandated to pay for this. There is no opportunity to do that.

There is \$4 billion in wasted excess payments for crop insurance every year. We, in fact, passed a farm bill, but we didn't fix that.

That is \$4 billion a year of hard-earned taxpayer money that goes out the window, which doesn't benefit anybody. Yet we are not given an opportunity to try to grab that to pay for this, and \$10 billion is wasted a year, at a minimum, on IT contracts in the

Federal Government. There is no opportunity to offer to save that money to pay for the highways.

The American people have to be scratching their heads and saying: What are we doing? Why aren't we addressing the real issues? We need to build infrastructure, take care of our highways and bridges and our roads. That is what the trust fund is for. Why would we not pay for it when we have such a large amount of fraud, waste, and duplication in the Federal budget?

I could go on and on. There is mismanagement of U.N. contributions. We know at least \$2 billion out of the \$6 billion we send to U.N. is pure waste every year. There is no opportunity to offer that amendment against this. There is no opportunity whatsoever to say we are not going to send another penny to the U.N. until they show us how they are spending American taxpayers' money. The only government that is less efficient than ours is the U.N. The only one that obfuscates more of the numbers than ours is the U.N. The only one with less transparency than ours is the U.N. There is no opportunity to do that.

We wanted to offer an amendment because part of the problem with the highway trust fund is that too much of the money doesn't go for bridges, roads, and highways. My senior Senator is committed to making sure we get back on that with the next Transportation bill. We have 242,000 bridges in disrepair in this country—242,000. This body rejected fixing that. Instead, we went on to build bike trails. Which do you think is more of a safety concern, building bike trails or building bridges?

I hope the American people are paying attention to what we are doing and that they become very dissatisfied with what we are doing. We have earned our 11-percent approval rating. How we are handling this bill today exactly fits the expectations of the American people—that Congress doesn't get it, that we are different, that we don't have to meet the expectations that every small business and every family does. We don't have to eliminate waste because it may be hard to do or we may have to take a hard vote. We just fit the mold of their expectations. It is time for us to change that, not just for us but for the generations that follow.

I will state to you today that the estimates for next year's budget deficit are far under what it will actually be. We will be much closer to \$1 trillion than we will be to \$500 billion. Think about \$1 trillion. That is \$3,300 for every man, woman, and child we are going to spend next year that we don't have. We are not going to add it to the seniors because they are never going to pay it back. If you are born today, instead of owing \$410,000, which you will ultimately be responsible for in terms of unfunded liabilities, we are going to move you to about \$500,000. None of our kids can afford that. We are stealing America away from our children. The

process—not the goal; the goal is a worthy one—under which we are doing this is something that cannot continue if our Republic is to survive.

Of every republic in the history of the world that has failed, none of them failed because they were conquered from without. Every one of them failed on fiscal issues. We should wake up. We should start addressing the waste, fraud, abuse, and duplication in the Federal budget before we ask the next child or grandchild to take on debt for our benefit.

Like I said, I support that we are putting the \$8 billion in there. What I don't support is the process under which we cannot eliminate other waste, fraud, and other duplication to be able to pay for it. We do a disservice to our country and to ourselves, and we do a disservice to the body of the Senate.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There is 28½ minutes remaining.

Ms. KLOBUCHAR. I thank the Chair.

Mr. President, I am here to talk about the need to replenish the funds in the highway trust fund. I have to tell you, I have visited our State, and you know that about a year ago a bridge just fell down in the middle of the Mississippi River. I was thinking as I listened to the Senator from Oklahoma talk about the promises that we make to our children, that we make to future generations. I think the people of this country think we made a promise to them that we are going to have safe roads and safe bridges. We didn't keep up that promise to the 13 people who died that day when they plummeted into the Mississippi River. We didn't keep the promise to the hundreds of people who were injured in all the cars that went crashing down on an eight-lane highway in the middle of the Mississippi River six blocks from my house. We need to keep that promise.

When you look at the history of the highway trust fund, it was raided once before, many years before I came to Congress, by the exact amount of money. I believe it was something like \$8 billion. It was raided of that money, and it was taken out of the fund and put into the general fund.

What we are doing today, at the request of the Bush administration, is taking that money from the general fund and putting it back into the highway trust fund because we have a promise for public safety to the people of this country.

My colleagues have been talking about priorities. I think there has been an issue of priorities. I would like to pay for some of the things that are going on in this country when we see that deficit. I can tell you how I would do it, how I would pay for that deficit. I would start bringing our troops home from Iraq. That is \$10 billion a month.

It is ironic—that figure—because Senator INHOFE was at the hearing we had in the Environment and Public Works Committee about bridges and about the expenditures on bridges and trying to keep bridges safe, with Congressman OBERSTAR and others. One of the witnesses told us that it would be about \$10 billion a year to start bringing up our bridges to safety over the next few years. I thought that is exactly the amount of money we are spending per month in Iraq. So that is one way we can get the money if we really wanted to and if some of my friends on the other side would have the will to want to pay for this important infrastructure investment.

Another is to close the loopholes that have allowed people to store money in the Cayman Islands and hide their money. Another is to change the capital gains rate. Another is to roll back tax cuts on the wealthiest people, couples making over \$250,000 a year and individuals making over \$200,000 a year. That would bring in between \$50 billion and \$60 billion a year.

I don't have trouble trying to find money to pay for this. We have been unable to get our friends on the other side—whether it is the AMT fix or any other tax fixes for the middle class, we have been unable to get them to pay for this. We are left where we are now with a request from the administration to pay for this from the general fund so we don't have contractors or people out of work who are supposedly working on construction projects. This means something to me because I see it every day. That bridge is going up and it is going to be opening on Monday. It is kind of ironic to me that we are debating whether we are going to replenish our Nation's highways—when everybody is giving glorious speeches about the need to invest for infrastructure—on the anniversary of that bridge going up again. Some people are actually saying we should let this highway trust fund die on the vine and let these jobs die on the vine.

I am going to use some examples for bridges. We learned today that fully one-quarter of America's 600,000 bridges have aged so much that their physical condition, or ability to withstand current traffic levels, is simply inadequate. One of the things we have seen on our roads and bridges in the last few years is that we are seeing something of a boon in our world economy, with the new energy economy. We are seeing wind turbines being transported on our roads and rails. We are seeing biofuels and more wear and tear on our roads and rails.

As we move to the next century, economics with the next century energy, looking at more of our energy being produced from the workers and farmers of this country, we cannot be stuck in last century's transportation system. I am not going to pretend that replenishing the money into the highway trust fund is going to bring us to where we need to be with public transportation and where we truly need to go

with infrastructure in this country to compete on the world stage. At least it will stop the bleed so we are going to be able to keep up with the ongoing projects we have right now.

I am glad the administration is finally supporting doing something about this. It has been sad that we have gone to the other side three times to try to fund this important transit fund. As President Kennedy once said, building a road or highway isn't pretty, but it is something that our economy needs to have. We see that with that bridge in Minnesota, but we see it over and over again in the rural areas with the development of the wind farms and development of solar and ethanol.

Just to give you a sense of what we are seeing in our State, for the first 6 months in 2007 ethanol production in the United States totaled nearly 3 billion gallons or 32 percent higher than the same period last year. Of course, we are going to move to cellulosic, but that will still meet transportation needs in rural areas. Currently, there are 128 ethanol plants nationwide, with total annual production capacity nearing 7 billion gallons, and an additional 85 plants are under construction. Total ethanol production is expected to exceed 13 billion gallons per year by early 2009.

In terms of transportation, this means that an average square mile of land in southern Minnesota, which generates now the equivalent of 80 loaded semitrucks per year, could soon produce double that or 160 loads of grain per year. So we are seeing more wear and tear on our roads. It is a good thing. We want to produce wind and solar and biofuel and homegrown energy in this country. That will mean having a transportation system that can keep up with our growing economy.

Mr. President, I will end with what I began with. We are going to be opening a new bridge in Minnesota. Every time I go by that bridge, which is six blocks from my house, I always think about that schoolbus with kids in it that was perched precariously and by some miracle it didn't go over the side. Every kid was saved. They called it the miracle bus. We have a promise to those kids that were on that bus that this isn't going to happen again. We will keep our roads and highways as a No. 1 goal of our Government—public safety. That means not just safety on our streets but safety in our streets. That means better roads, bridges, and a better transportation system. So that is why we would have liked to have done this in another way, but we are in a crisis situation with our transit funds, and we should support it and replenish the funds.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, let me conclude on our side and then, hopefully, we are going to go to Senator MURRAY after that and then to a voice

vote. Where we are right now is, last Friday I was notified by the Department of Transportation that the highway trust fund would run out of money sometime in the next 2 weeks. As recently as this summer, DOT said it was going to be all right for another year. We understand. A lot of people don't understand this.

The Federal gas tax is not a percentage, it is a centage. That means for every increase that we have in the price of gas, the revenues go down. Consequently, they have gone down in such a way that could not have been anticipated at the time. That, combined with the busy construction season, caused the trust fund's balance to go from \$4.2 billion at the end of July to less than \$1.4 billion in the beginning of September.

In my State of Oklahoma, our director is Gary Ridley, who I believe is the best director in the United States of America. He was forced to take dramatic action—and I think prudent action—when he said we would have to cut by \$80 million the projects in August that were postponed.

Here is what we are up against. These are projects that have already been bid, people have been hired, the shovels are in their hands ready to do something, and all of a sudden they have to stop doing it which creates all kinds of problems.

Furthermore, at the point the trust fund officially runs out of money—which will be within the next 8 days unless we do what we are doing today, which I am confident we will—work on countless projects currently under construction will be halted. In other words, projects already under construction will be stopped.

The uncertainty over the Federal Government's ability to make good on financial promises made in law is forcing States to substantially disrupt their highway programs. It is a lot more serious than just stopping programs because if you stop programs, you are breaching contracts. You will have lawsuits and penalties that will come in and end up costing a lot more money. This is why we say what we are facing is, indeed, a crisis.

Once a project is canceled or delayed and jobs are lost, it is not as simple to restart the project, as there will be penalties to the States and, in many cases, a new contracting process.

Despite the arguments to the contrary, in my opinion, H.R. 6532 is not a raid on the general fund. In fact, the opposite is true. Let me go over this point to be sure we all understand.

I do not find disagreement with anything my three Republican colleagues said here. They are talking about a lot of things that had very little to do with this bill. I certainly agree with my junior Senator in his discussion about the United Nations, about the Social Security trust fund problems, and spending in general. What happened here—and I was mistaken not too long ago. I said it was the 1998 Bal-

anced Budget Act. It was not that. It was actually in TEA-21. Nonetheless, back in 1998, they took \$8 billion out of the trust fund and put it into the general fund. That is critical, we understand, because this is a moral issue. Probably the most popular tax in America today is the tax we have on our highways because people know when they buy a gallon of gas, that money is going to go to repairing highways, bridges and overpasses and make them safer for everyone in America. That is fine, but when they find out we have raided that trust fund and have taken \$8 billion out and put it into the general fund, that is morally wrong.

I argued since that time—I can remember being on the floor 10 years ago, in 1998, saying this is wrong, we shouldn't be doing it. I have been trying to rectify that problem since 1998.

We are in a position where we can look at it this way: that we are rectifying something that should not have happened 10 years ago. We are giving back the \$8 billion to the trust fund. That is not fiscally irresponsible. I think it is the right thing to do.

While I agree with my colleagues the highway program has grown to include things that are not in the Federal interest and doing nothing to save lives or reduce congestion or relieve the problems of transportation, which is a crisis in America, these issues are more appropriately dealt with in the national highway reauthorization bill for 2009.

I plan to play a very important, significant role. I will continue to be one of the big four, as Senator BOXER referred to it, during that time. I have felt for a long time—and I agree with my junior Senator—that there are a lot of items that should not be in a Transportation reauthorization bill. Over the years, more and more projects have crept in.

It is interesting that Senator BOXER, who is considered one of the most liberal Members of this body, and myself, who has been ranked recently as the most conservative Member of this body, agree in this area. While I am conservative, I have said I am a big spender in two areas. One is national defense and the other is infrastructure. That is what Government is supposed to be doing.

Talk to anyone, and they will tell you it is a crisis out there with our bridges. Oklahoma is dead last in the condition of our bridges. They don't realize it, but we are No. 3 from the top in terms of number of bridges, only exceeded by Texas and California. Yet we are a relatively small State. So we have this problem. We have to deal with it, and Government has to do it.

When the Federal highway system was chartered back in 1953 during the Eisenhower administration, I believe, we have been doing highways and funding them the same way since that time. Up until about 7 or 8 years ago, we always enjoyed a surplus in the highway trust fund. That is why people

are always targeting it, saying there is a surplus there, let's throw in the bike trails, let's throw in all these other projects about which Senator COBURN was talking. I agree with him they should not have been there.

One of the ways we are going to meet this crisis—and I am going to try to do it—is to make sure everything we do is directly related to safety on the highways and safety in transportation. Intermodal, sure, we have to consider we have channels, we have barge traffic, we have trains, we have all these things that are important. But we do have a serious problem, and anyone who doesn't think we have a serious problem in transportation in America has not been out driving around.

I don't argue with those who feel this process is not right. I don't like this process. I was hoping we would be all right when we passed the 2005 Transportation reauthorization bill. I was elated. I knew we were going to be in good shape on that bill. All these things happen, but when they happen, we have to correct it. You can't say this is the wrong way to do it. I have to do it and whatever way is right. That is my opinion. Maybe I am in the minority, but when we are defending America and working on infrastructure, Government has to perform.

I would only say I do not disagree with my colleagues who do not like the way this happened. I don't like the way it happened either. I wish it did not happen that way. I can tell you we are going to have to do something. I don't agree this is a bailout. I don't call it a bailout. I think it is one of the two prime responsibilities of Government, and we are going to have to do it. What we are doing now is not enough.

Let me speak to my colleagues who have complaints about what is in a highway reauthorization bill. When the 2009 reauthorization bill takes over from the 2005 bill, I will expend as much energy as I can to keep on the track of safety and moving America and not all these other things special interest people want. I think those things are fine, but they should stand on their own two feet. I believe we have the opportunity now to get this done.

While I don't like the way it happened, I can tell you it had to happen. We cannot stop construction in America at a time that is already a crisis. In the absence of passing this bill today, that is exactly what will happen.

I encourage everyone to vote for it. I hope we are going to be able to do it on a voice vote. I understand other speakers wish to be heard. I will go ahead and set an example and yield back the remainder of our time on this side, hoping we can get to the vote.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time is available?

The PRESIDING OFFICER. Twenty minutes.

Mr. BAUCUS. On this side?

The PRESIDING OFFICER. Yes.

Mr. BAUCUS. Mr. President, I rise to discuss legislation vital to this Nation's transportation infrastructure. The highway trust fund, the means by which we fund our Nation's roads, highways, and bridges, is in trouble. Tomorrow, the U.S. Department of Transportation will slow down payments to States for infrastructure investments. That is highway projects. This is happening because forecasts now suggest that a shortfall of billions of dollars to the highway trust fund will occur in the near future.

The shortfall stems from the agreement of the 2005 highway bill negotiations, when the Bush administration and the Republican-led Congress agreed to spend down the balance of the fund.

Last year, we learned the trust fund would run out of money faster than anticipated. Accordingly, the Finance Committee reported out a bill at that time to address the problem. We tried to move a \$5 billion highway fix earlier this year as part of a larger FAA reauthorization bill, and that proposal was blocked. So we had to find other ways to pass this critical highway fix. In the meantime, the highway trust fund problem worsened. As gas prices rose dramatically, fuel tax receipts, which finance the lion's share of the highway trust fund, dropped sharply. In short, as Americans drive less and purchase less fuel, the trust fund shortfall has worsened, even more so than we previously expected.

So we tried to pass the highway trust fund as a stand-alone bill. Recognizing the dramatically worsening state of the fund, we proposed an \$8 billion fix—not \$5 billion but up to \$8 billion. In fact, the \$8 billion fix matched the amount that was taken from the highway trust fund when its balance was deemed to be too large back in 1998.

We worked with the House in developing that measure, and the House sent it over to the Senate with a resounding vote of 387 to 87. We attempted to clear that bill through the Senate by unanimous consent on June 26, but the bill was blocked again.

Then before Congress recessed in August, I again attempted to move this \$8 billion highway trust fund fix as part of the Jobs, Energy, Families, and Disaster Relief Act. But that measure also failed to pass.

Ensuring the highway trust fund remains solvent means my State of Montana will not have to suffer more than \$98 million in funding cuts, as well as approximately 3,500 job losses in the next year.

Nationwide, the industry experts tell us the funding cuts to States would be at least \$14 billion, with job losses approaching 400,000 if we fail to address this trust fund need. This will occur at a time when nationwide unemployment is at its highest level in 5 years.

In transferring \$8 billion from the general fund into the highway trust fund, we will ensure delivery of the full \$41.2 billion in guaranteed highway funding for fiscal year 2009.

It is important to remember the States have been relying on the 2005 agreement between the Bush administration and Congress when developing State budgets over the last several years. They relied on us.

Fixing the highway trust fund will preserve Federal funding for roads, highways, and bridges, and it will preserve good-paying jobs that rely on construction and maintenance projects.

An important point here, too, is no offset is required to fix the highway trust fund and that is because the \$8 billion transferred is intergovernmental. The Congressional Budget Office indicates this fix does not constitute a spending outlay and, thus, would not violate the pay-go rules. Likewise, the Joint Committee on Taxation confirms this transfer will have no revenue effect.

I am pleased the Bush administration has finally come to its senses and realized the need to address this problem. I am pleased my colleagues in the Senate across the aisle have removed their objections, and I am pleased we are now finally going to do what needed to be done for over a year.

I wish to note that the chairman of the Subcommittee on Transportation, the senior Senator from Washington, has joined me in doing everything she could do to get this problem fixed. She talked with me innumerable times and many Senators. She was very concerned about this situation and worked so hard. She deserves the lion's share of the credit for all the work she has done. I congratulate her for her staying efforts in that regard.

We should not delay any further. We should remember the old adage: There are no Democratic roads, there are no Republican roads, only American roads. We need to fix this trust fund now. Our States and constituents are relying on it.

Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Under the previous order, the bill having been read the third time, the question is on passage of the bill, as amended.

The bill (H.R. 6532), as amended, was passed, as follows:

H.R. 6532

Resolved, That the bill from the House of Representatives (H.R. 6532) entitled "An Act to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.", do pass with the following amendment:

On page 3, line 2, strike [September 30, 2008] and insert the date of the enactment of this Act

Mrs. MURRAY. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—Continued

AMENDMENT NO. 5280

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes, equally divided, prior to a vote on the Vitter amendment.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

AMENDMENT NO. 5280

Mr. LEVIN. Madam President, what is the order now?

The PRESIDING OFFICER. The pending question is the Vitter amendment.

Mr. LEVIN. And is there a time agreement on debate?

The PRESIDING OFFICER. There was to be 2 minutes equally divided at 6 p.m.

Mr. LEVIN. Does the Senator from Louisiana wish to go first or second?

Mr. VITTER. I would like to go first, and I may reserve some time.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I rise in strong support of the amendment pending before us and would ask all my colleagues to look favorably upon this amendment.

The committee had decided to cut \$411 million from the Missile Defense Agency budget. That is a significant amount of money. This amendment would not restore all of that; it would restore \$271 million of that amount. I think that is very justified considering the significance of missile defense, particularly in a post-Cold War world, with threats such as North Korea and Iran and even the technological uncertainty of the Chinese military.

In addition, the committee itself noted that the Joint Chiefs staff report said that we need about twice as many THAAD and Standard Missile-3 interceptors as the number currently planned. This amendment would help get us to that point.

The PRESIDING OFFICER. The Senator has used 1 minute.

Mr. LEVIN. Madam President, I will take 30 seconds and yield 30 seconds to my friend from Florida.

On the four items that the Vitter amendment adds money to, the committee either already added more than the administration requested or fully funded. On THAAD, we added \$115 bil-

lion; on targets, we fully funded; and on the Aegis and the SM-3 missile, we added \$100 million. So on the items he adds money to, we either added money or fully funded. We did not cut those items.

Mr. NELSON of Florida. Madam President, his cuts would allow the Secretary of Defense to make cuts across the board to the budget in order to fund his add-back, and that could be the Joint Strike Fighter, the B-52, the F-22, the Patriot Missile, and the LPD amphibious ship. This is not good policy. Our committee came out, on \$9.3 billion, and cut only 4 percent on national missile defense.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays were previously ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 57, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—39

Alexander	Craig	Isakson
Allard	Crapo	Kyl
Barrasso	DeMint	Landrieu
Bayh	Dole	Lugar
Bond	Domenici	Martinez
Brownback	Ensign	McConnell
Bunning	Enzi	Roberts
Burr	Graham	Shelby
Chambliss	Grassley	Specter
Coburn	Hagel	Thune
Cochran	Hatch	Vitter
Coleman	Hutchison	Voinovich
Cornyn	Inhofe	Wicker

NAYS—57

Akaka	Feinstein	Nelson (NE)
Baucus	Gregg	Pryor
Bennett	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Lautenberg	Sessions
Carper	Leahy	Smith
Casey	Levin	Snowe
Clinton	Lieberman	Stabenow
Collins	Lincoln	Stevens
Conrad	McCaskill	Sununu
Corker	Menendez	Tester
Dodd	Mikulski	Warner
Dorgan	Murkowski	Webb
Durbin	Murray	Whitehouse
Feingold	Nelson (FL)	Wyden

NOT VOTING—4

Biden
Kennedy

McCain
Obama

The amendment (No. 5280) was rejected.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. BAUCUS. Madam President, I move to lay that on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4979

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate equally divided on the Nelson amendment No. 4979. Who yields time?

The Senator from Florida is recognized.

Mr. NELSON of Florida. Senators, I can make this very quick. This is for the widows and orphans. This is removing the offset from the survivor's benefit that a military retiree pays, like an insurance premium, and gets a survivor's benefit. But, oh, by the way, under current law that survivor's benefit is offset—what they get out of the Veterans Affairs Department—in dependency and indemnity compensation.

We passed this overwhelmingly last year. We need a big vote so we can tell the conference committee not to gut it again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, this is a very laudatory effort on behalf of our colleague. It is one I will personally support. I do, however, draw to the attention of all colleagues that it is a very expensive provision, but it is one that deserves the recognition that it has been given by our colleague and further consideration of the conference between the House and the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have previously been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—94

Akaka	Cochran	Hagel
Alexander	Coleman	Harkin
Allard	Collins	Hatch
Barrasso	Conrad	Hutchison
Baucus	Corker	Inhofe
Bayh	Cornyn	Inouye
Bennett	Craig	Isakson
Bingaman	Crapo	Johnson
Bond	DeMint	Kerry
Boxer	Dodd	Klobuchar
Brown	Dole	Kohl
Brownback	Domenici	Kyl
Burr	Dorgan	Landrieu
Byrd	Durbin	Lautenberg
Cantwell	Ensign	Leahy
Cardin	Enzi	Levin
Carper	Feingold	Lieberman
Casey	Feinstein	Lincoln
Chambliss	Graham	Lugar
Clinton	Grassley	Martinez
Coburn	Gregg	McCaskill

McConnell	Rockefeller	Sununu
Menendez	Salazar	Tester
Mikulski	Sanders	Thune
Murkowski	Schumer	Vitter
Murray	Sessions	Warner
Nelson (FL)	Shelby	Webb
Nelson (NE)	Smith	Whitehouse
Pryor	Snowe	Wicker
Reed	Specter	Wyden
Reid	Stabenow	
Roberts	Stevens	

NAYS—2

Bunning Voinovich

NOT VOTING—4

Biden
Kennedy

McCain
Obama

The amendment (No. 4979) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Madam President, for the information of colleagues, what I am about to do is send a series of 14 amendments to the desk which I hope we will be able to adopt at this point by unanimous consent. The amendments include one on behalf of myself and Senator MCCAIN, which is a technical correction to the underlying bill; an amendment on behalf of Senators AKAKA and VOINOVICH requiring a report on the security clearance review process; an amendment on behalf of Senators BINGAMAN and DOMENICI requiring a report on the test and evaluation activities of the Department of Defense; an amendment on behalf of Senators COLLINS, LIEBERMAN, and others to ensure oversight and accountability in Federal contracting; an amendment on behalf of Senators COLLINS and LIEBERMAN to establish a governmentwide contingency contracting corps; an amendment on behalf of Senators LUGAR, BIDEN, and others to build operational readiness and civilian agencies; an amendment on behalf of myself, Senators MCCAIN and AKAKA, to establish the position of Director of Independent Cost Assessment; an amendment on behalf of Senators MCCASKILL and MCCAIN relating to a database for contracting officials; an amendment on behalf of Senators SMITH, BAYH, and NELSON of Florida relating to travel of family members of the Armed Forces with serious mental disorders; an amendment on behalf of Senators LIEBERMAN and COLLINS relating to ethics safeguards for employees; an amendment on behalf of Senators LIEBERMAN, COLLINS, and MCCASKILL regarding whistleblower rights; an amendment on behalf of myself and Senator WARNER codifying recurring authority on contributions to NATO; an amendment on behalf of Senator MCCONNELL on traumatic brain injuries; and on behalf of Senator MENENDEZ, an amendment regarding the Environmental Protection Agency. Those are the amendments I am hoping we can adopt at this time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, at the moment, speaking for myself as one of the managers of the bill, I strongly support the package. We have worked on it together, as we have all the times we have managed these bills. I know of no objections that have been communicated to me, but I would like to ask the indulgence of the chairman for a few minutes such that I can check with my cloakroom staff.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, the Senator from Iowa wishes to speak as in morning business for up to 10 minutes. I have no objection, providing he would agree that at any time during that 10 minutes we could interrupt him, if we get unanimous consent agreement on the series of amendments I outlined. I hate to interrupt his remarks, but the timing is critical.

Mr. HARKIN. I have no problem.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank my colleague.

I have been informed by our staff that there are objections to the procedure to have this package of amendments cleared at this time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, this week is National Suicide Prevention Week. In honor of the families who have lost a military family member to suicide, I wish to speak now about an amendment I have to this bill to address one of the most critical issues facing our troops right now, the issue of suicide. The Joshua Omvig Veterans Suicide Prevention bill was signed into law this past November. But that has to do with veterans. However, the Department of Defense has reported an increase in suicides among Active-Duty soldiers. With extended combat tours to 15 months from 12 months, with many servicemembers on their third or even fourth rotation to Afghanistan or Iraq, the psychological strains are enormous. The Department of Defense Task Force on Mental Health has stated that both the VA and the Department of Defense are not prepared to deal with this increase in mental health needs of Active-Duty service men and women.

Nearly each year of the 5-year-old war in Iraq and the 7 years of war in Afghanistan, the suicide rate has increased. Last year suicides among Active-Duty soldiers reached their highest level since the Army began keeping records 28 years ago. Suicide was the leading cause of noncombat deaths in Iraq in 2007. This trend has begun to repeat itself in 2008. So far there have

been 62 confirmed suicides as well as 31 deaths under investigation that are suspected to be suicides, which means this year's gruesome numbers could surpass the record of 115 suicides set last year. The number of attempted suicides or self-inflicted injuries in the Army, approximately 2,100 last year, has risen sixfold since the Iraq war began. These startling statistics should serve as a wake-up call that suicide among soldiers and veterans is more than a small problem. It is rapidly becoming a very big problem. To address this critical concern, I worked with a number of my colleagues to introduce the Armed Forces Suicide Prevention Act, S. 2585, with 20 bipartisan cosponsors. The amendment I am offering to this bill merely adds the preventative measures from this carefully crafted bill, S. 2585, to the excellent underlying language that is in the Defense authorization bill before us.

The Defense authorization bill before us does increase mental health personnel and post-suicide investigations in the military. That is in the underlying bill. The amendment I am offering requires the Department of Defense to implement comprehensive suicide prevention programs within all branches of the military, including the National Guard and Reserves. Among other things, the amendment directs the Pentagon to conduct a servicewide campaign to reduce the stigma associated with mental health issues and to encourage servicemembers who are experiencing difficulties to seek help. It also engages military leadership by incorporating suicide prevention training for all servicemembers.

So this amendment takes the preventative measures from the bill we introduced with 20 bipartisan cosponsors and adds it to the underlying Defense authorization bill.

The language I am talking about was coordinated carefully with each branch of the Armed Forces, and their recommended revisions were incorporated. The bill complements other recent defense legislation such as the Wounded Warriors Act, addressing the well-being and welfare of our servicemembers and their families. This Armed Forces Suicide Prevention Act has the endorsement of the Iraq and Afghanistan Veterans of America, the Suicide Prevention Action Families Network, the National Military Families Association, and the National Alliance on Mental Illness.

We know these kinds of programs can make a big difference. In the early 1990s, one in every four deaths among Active-Duty Air Force personnel was from suicide. The Air Force implemented the kind of comprehensive suicide prevention program required by the bill we have introduced and by this amendment, and by 2002 the suicide rate had been reduced by over a third. Violent crime and family violence also were reduced after the preventative program was implemented.

We cannot just sit idly by and watch as these young brave Americans, who

are making great sacrifices, are left alone to fend for themselves, as they suffer the pain and anguish of post-traumatic stress disorder, the despair of losing friends to roadside bombs, or the depression and helplessness felt after multiple deployments that are stressing their families to the breaking point. This is not just about the armed servicemembers who commit suicide; it is about the deep and painful despair that drives them to do it. I know the Army says they have effective programs in place. But if that is true, where are the outcomes? Why do we have an ever-increasing suicide rate in the military?

The GAO just reported last week that the DOD—Department of Defense—does not even know if the post-deployment health reassessment surveys are being completed. Now, for those who may not have heard about this tool, the PDHRA, as it is called, surveys health and mental health concerns within 90 and 120 days of deployment. Well, how can DOD say they are good stewards of mental health when they cannot show us they are even doing these screenings?

The DOD's position on this amendment I am offering is that it "would establish a legislative mandate for programs already ongoing or within the Secretary's authority to establish. However, the administration supports the goals of this legislation and we look forward to working with Congress to address these concerns."

Well, they may have the current authority, but the numbers do not bear out they are actually doing it. Frankly, my staff has met—and I have also—with veterans in Iowa who say that while programs like this are in place and working well in some units, it is not a universal experience for Armed Services members. Too many brave young men and women are falling through the cracks, and the DOD is simply not doing a thorough job here. One ignored soldier who has had mental health problems—who is stressed out, who has seen his buddies' arms and legs disappear from bombings or had their lives taken away, who is on multiple deployments, and he has kids back home—one soldier with those kinds of stresses who is ignored is one soldier too many.

That is why Congress has to act to make this a priority. Yes, this is going to be a legislative mandate, and I intend it to be that. When GAO tells us that DOD cannot even tell us what they are doing, then I think it is time for a legislative mandate.

The military does an extraordinarily good job of treating our warriors' physical wounds and preventing death and disability. It is time to place an equal priority to treating their psychological wounds, their emotional wounds, and preventing suicides. That is exactly what this amendment will accomplish.

As I have said, there is already excellent language in the underlying Defense authorization bill to expand men-

tal health services for Active-Duty servicemembers. This amendment would add suicide prevention training for armed servicemembers and their families. It would add additional postdeployment assistance and a stigma reduction outreach campaign to aid in those efforts—a campaign to reduce the stigma of a soldier who is having mental health problems from seeking help.

We all know—those of us who have been in the military—what it is like. You do not want to admit you are having psychological problems, that this, somehow, is something you are not supposed to have happen to you. So you have to reduce the stigma of this so these young men and women who are having these problems will seek help and by getting that help will heal their psychological wounds.

It is a simple, commonsense approach to a pervasive, disturbing trend, as I said, a very growing problem in the military. So I hope all my colleagues can join with us to support the dedicated men and women serving our country and support this needed amendment.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I see the chairman of the committee. I think the work on the bill tonight is concluded, and I recommend we go off the bill and open the floor to morning business, if that is agreeable.

Mr. LEVIN. Mr. President, would Senator SANDERS be willing, as a number of other colleagues are, that his remarks, although they relate to the bill, be in morning business?

Mr. SANDERS. Absolutely.

MORNING BUSINESS

Mr. LEVIN. In that case, Mr. President, I ask unanimous consent that we now move off the bill, move to morning business, and that Senators GRAHAM and LIEBERMAN be recognized and then Senator SANDERS be recognized.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, if I might say to my colleague, Senator GRAHAM has an airplane he is trying to catch.

Mr. LEVIN. Mr. President, I wonder if Senator GRAHAM could speak for just a few minutes, and then we could turn to Senator SANDERS and then to Senator LIEBERMAN.

Mr. President, I ask Senator GRAHAM, how many minutes does he wish?

Mr. GRAHAM. Three minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent that we now move off the bill and go to morning business and that Senator GRAHAM be recognized for 3 minutes and then Senator SANDERS be recognized for up to 20 minutes. I want Senator LIEBERMAN to hear that request.

Mr. SANDERS. I say to the Senator, I listened to your speech.

Mr. LEVIN. That Senator SANDERS be recognized for up to 20 minutes and Senator LIEBERMAN be recognized for up to 20 minutes. That is my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

Mr. GRAHAM. I thank the Chair.

IRAQ

Mr. GRAHAM. Mr. President, I just want to let my colleagues know where I am coming from, along with Senator LIEBERMAN, that amendment No. 5368, I believe it is, is an amendment offered by Senator LIEBERMAN and myself that speaks of the surge, the success of the surge, how vital it was that we turn Iraq around, and the fact that the surge has worked.

General Petraeus said today in the Washington Post, I believe, that Iraq is still the central battlefield in the war on terror. Senator OBAMA has disagreed with that on numerous occasions, saying it is Afghanistan and Pakistan.

The truth is, the battle regarding the war on terror is an idea, not a place, and the fight now is in Iraq. Bin Laden said: Go to the land of the two rivers. Make sure we win that battle. Bin Laden has always seen Iraq as an outcome-determinative event. So does General Petraeus. So does Senator MCCAIN, Senator GRAHAM, and Senator LIEBERMAN.

So the good news is that battle has taken place in Iraq between al-Qaida, the Iraqi people, and the coalition forces, and we have greatly diminished al-Qaida. They suffered a mighty blow at the hands of fellow Muslims who turned on al-Qaida after tasting their agenda. I cannot think of a more appropriate topic for the Senate to take up than to comment on what I think is the most historic, successful counterinsurgency operation in military history, to memorialize that it has worked, to acknowledge those who sacrificed to make it work, those who led our men and women in battle. This, to me, is very appropriate and important. It was a year ago today that General Petraeus testified about his plan in Iraq, and a year later we see stunning success militarily, economically, and politically. So I believe with all the passion I can muster about this topic that the Senate needs to take this up, discuss it, debate it, and vote on it.

I thank Senator LIEBERMAN for his steadfast leadership over the last year. I say to the Senator, you, my friend, will go down in history as being one of the Senators who stood up at a time when the country needed people to speak out. We turned this war around because of people like yourself and Senator MCCAIN but mainly because of

the leadership of General Petraeus and the men and women in uniform, Ambassador Crocker and his team, and the Iraqi people themselves.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent to speak for 20 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE AUTHORIZATION BILL

Mr. SANDERS. Mr. President, the legislation we are dealing with today authorizes more than \$500 billion, and even in Washington that is a heck of a lot of money. That expenditure comes at a time when we have massive amounts of unmet needs in our country, when there is a crumbling infrastructure, a need to invest in sustainable energy, a need to address education, and many other needs. On top of all of that, we are looking at a \$9.5 trillion national debt and a record-breaking deficit.

I hear many of my colleagues come to the floor and speak about waste and fraud in all kinds of agencies and, frankly, that is appropriate. Our job as Members of Congress is to make sure we do our best to see that not one nickel—not one nickel—is spent in waste or in fraud or unwisely. But just as we should do that with the Department of Agriculture or with Human Services, we should also do it with the Defense Department; in fact, even more so with the Defense Department, because their budget is so huge—\$500 billion at a time of massive amounts of unmet needs in this country. It appears that not a week goes by when one doesn't open a newspaper or see a television program which deals with another example of horrendous waste, fraud, or abuse which takes place within the Department of Defense.

I know my colleagues on the Defense Committee, Senator LEVIN and Senator WARNER, are aware of these things and they are trying, but this is tough stuff. I think we have to raise our profile in addressing this waste, fraud, and abuse.

Just some examples: In March of this year, we learned that a 22-year-old Defense contractor peddled as much as \$300 million in old ammunition, much of it defective, to the Afghan Army and to their police forces. That is right. AEY, a fly-by-night company, landed the huge contract, despite its record of botched dealings with the State Department and Defense Department. In fact, the State Department had placed this company on a watch list of companies suspected of illegal arms transactions.

Further, the Pentagon inspector general revealed that \$321 million was paid out to cover salaries of 1,000 anonymous employees in the Iraqi Ministry of Finance. That amounts to \$320,000 per employee—not bad in Iraq where

people do very well if they make \$50 or \$60 a week, but we are not even sure that the employees saw any of this money.

We also learned not terribly long ago that the Army ousted the contracting officer overseeing Kellogg, Brown & Root's huge Iraq support contract when this distinguished public servant refused to approve paying the company more than \$1 billion in questionable charges. In other words, he did his job. He took a hard look at where this money was going. There were red flags popping up all over the place. He said: Wait a minute. We are not going to pay this money. His reward was not a commendation but his firing.

And on and on it goes. The Air Force paid a private U.S. contractor \$32 million to construct a Ramadi, Iraq airbase. That is OK, except the only problem is the contractor cashed a check and the facility was never built—\$32 million for a project never undertaken.

Another contractor was paid \$142 million to construct Iraqi prisons, fire stations, and police facilities that were either never started or never completed—\$142 million.

It is absolutely essential for us to provide the Pentagon with the budgetary means they need within that huge budget to root out waste, fraud, and abuse by contractors in war zones overseas. We also must take a close look at how money is misspent here at home—not just in Iraq or Afghanistan. The Air Force—the Air Force, needless to say—has a few airplanes, but apparently cannot ship a package directly from a depot in Corpus Christi, TX, to a National Guard unit in Oklahoma. Because of outdated freight forwarding rules, investigators discovered that one package took a 2,243-mile detour through Houston, TX, to Fort Wayne, IN, and then on to Dallas before it arrived at its destination in Oklahoma. The GAO is investigating the ridiculous shipping regulations that cost taxpayers millions of dollars.

Now, are all of these examples simply so-called bad apples or do they more likely represent a broken system with inadequate oversight? In my view, unfortunately, it is the latter. I think we have a broken system. I think we have billions and billions of taxpayers' dollars being wasted and not going where they need to go, which is to defend our country. The Pentagon's leaders have not done enough to ensure that a dollar spent means a dollar gained in national security.

Frankly, this is not a new problem. In 1940, Senator Harry Truman investigated waste and fraud by the U.S. military. During World War II he proposed the creation of a Senate special committee to investigate the national defense program. The Truman committee identified way back then in the 1940s more than \$15 billion in unnecessary and fraudulent defense spending. That is a huge amount of money. As Senator Truman put it at the time:

We intend to see that no man or corporate group of men shall profit inordinately on the blood of the boys in the fox holes.

I think what Truman said in the 1940s is absolutely true today.

Was Harry Truman unpatriotic for demanding increased congressional oversight on the War Department and defense contractors at a moment of national crisis during World War II? The answer is, of course, no, he was not. He simply demanded that, in his words:

Each dollar expended for war purposes would produce a dollar's worth of the necessary war supplies.

I think that is certainly a reasonable request supported by every taxpayer in this country.

That is why last year I and the Presiding Officer joined with other freshmen colleagues to introduce legislation calling for the creation of a commission on war contracting modeled on the Truman committee. We need such a bipartisan effort more now than ever. Today, government auditors have compiled lists of countless examples of risky and inadequate practices by the Defense Department in overseeing contracts.

The problem is not just private contractors. The Department needs to adopt better practices to stop blatant examples of wasteful and overpriced purchases.

Some examples:

The GAO—the Government Accountability Office—recently assessed 72 major weapons acquisition programs and reported a colossal \$295 billion in cost overruns on a \$1.6 trillion contract portfolio—\$295 billion in cost overruns. That is not a bad apple, that is not an aberration, that speaks to a system that is significantly broken. What is more, on average, these systems are delivered 21 months late. So these contractors end up getting far more than they were originally supposed to get and, to boot, they are almost 2 years late on delivering the product.

It gets even worse than that. The Defense Department has shelled out billions of dollars in bonuses to contractors who don't deserve them. According to one study, award and incentive fees totaling \$8 billion were granted even when the contractors did not deserve the bonuses under the Pentagon's own rules. What a bonus is supposed to be about is you get a reward when you do your job well, when you come in perhaps under contract, when you come in earlier than you had agreed to. That is what a bonus is. But unfortunately, these guys are getting these bonuses even when they perform poorly, and that is clearly unacceptable.

I wish to commend my colleagues, Senator LEVIN and Senator WARNER, for their initiative to establish a director of independent cost assessment. It is time for this Congress to impose effective acquisition controls and require the Pentagon to put its financial house in order. Even the Pentagon's own inspector general has admitted that:

The rapid growth of the DOD budget since fiscal year 2000 leaves the department increasingly more vulnerable to the fraud,

waste, and abuse that undermines the department's mission.

That is the Pentagon's own inspector general.

So it is time to engage in a serious debate over this Bush defense budget that elevates gold-plated technologies and huge contractor payouts over cogent and sensible strategy.

A little historical perspective is instructive. President Dwight David Eisenhower, a five-star general and the military commander of Europe during World War II, deplored excessive military spending and its diversion of resources away from pressing public needs—Dwight D. Eisenhower. A few days before he left office in 1961, President Eisenhower gave one of the most prophetic speeches ever given in the White House. Here is what Eisenhower—a Republican, I should add—what Eisenhower said:

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.—Dwight David Eisenhower.

Fast forward 48 years to the last months of George W. Bush's Presidency. It is remarkable how prescient Eisenhower's concerns were.

Today the budget of President Bush calls for a \$515 billion Pentagon budget. This is in addition—this is in addition—to the \$200 billion a year being spent on the wars in Iraq and Afghanistan, and it also does not include \$16 billion spent on nuclear weapons. That is why I proposed an amendment—a very modest amendment, I might say—to address one of the more egregious examples of wasteful spending in the Federal Government. The incredible amount of unneeded spare parts—what we are talking about is unneeded spare parts and other items—in the Army, Navy, Air Force, and other Department of Defense agency warehouses is measured in the billions of dollars. What we are talking about is unneeded spare parts. They don't need it, billions of dollars of unneeded spare parts.

Fixing the military inventory systems is the reason behind the amendment I have authored, along with Senator FEINGOLD and Senator WHITEHOUSE.

The Government Accountability Office—the GAO—has placed the Department of Defense inventory system on "high risk" lists year in and year out. In other words, there is a red flag attached to this line item.

The unneeded spare parts inventory and the inefficient inventory management systems are literally costing the taxpayers millions and millions of dollars each year. Worse, these unnecessary spare parts are clogging up the supply system, costing millions for storage, and are not providing the support needed for our service men and women for defending our country. More than half of the Air Force's secondary inventory—an average of \$31.4 billion—

was not needed to support service requirements. That is right. More than \$18 billion of its on-hand spare parts are beyond the needs of the Air Force. Imagine that: \$18 billion in unneeded spare parts. We have Air Force warehouses full of parts that are simply not needed.

It gets even worse than that. The Air Force has on order \$235 million in inventory already identified as ready for disposal. In case you didn't catch that: \$235 million in inventory already identified as ready for disposal. So \$235 million worth of parts not even delivered to the Air Force's warehouses will be ready for disposal by the time they arrive. Now, that may make sense to somebody—maybe the people who make money producing the stuff. It certainly does not make sense to me or, I expect, anybody else in this country. By the way, this is almost 20 percent of its total on-order inventory. It is a huge amount of inventory.

The Air Force has redefined terms and created new categories such as "Additional Applications Anticipated," "Uneconomical to Terminate," "Management Decision," and "Data Error." What they mean by data error is a series of computer entry mistakes amounting to \$96.5 million during one recent 3-month period alone. To my way of thinking, this is further evidence of the Air Force's inability to manage its inventory program. If data errors are rampant in the system, fix them. If the inventory problems can't be corrected without costing even more money, then something is wrong with the system.

This is not just an Air Force problem; it is Pentagon-wide. The numbers for the Navy and Army are also extremely troubling. The Army's numbers are incomplete because the Army could not provide data from two major agencies, including the communications and electronics commands, because their inventory computer systems were not compatible with other Army computer systems. This is with a budget of \$500 billion and we can't get computers to talk to each other. Ironically, the communications and electronics command is one of the commands responsible for Army hardware and software acquisition.

This underscores the serious problem of the inability of the Defense Department computer systems to interface with each other. My staff was actually told by an Air Force material command manager that Air Force inventory officers are still actually relying on computer systems that are based on decades-old designs.

Year after year, the nonpartisan research arm of Congress has exhorted the Pentagon to, 1, provide incentives to reduce purchases of unneeded on-order inventory; 2, conduct a comprehensive assessment of unneeded inventory items on hand; and, 3, take measures to address fluctuations in demand that produce these huge inventories.

Clearly, something must be done to set things right. It is time to get the Pentagon inventory system up to modern practices.

What does our amendment do? It does a few things. First, the amendment, offered by Senators FEINGOLD, WHITEHOUSE, and myself, will require the Secretary of Defense to develop a comprehensive plan for improving the inventory system, including each service's plan to improve audit systems for reducing the gap between projected requirements and actual requirements, improvements to information technology systems, personnel and training needs, contract reviews, and other relevant policy changes.

Second, this amendment will require a certification to Congress that the Army, Navy, Air Force, and Defense Logistics Agency have reduced their secondary inventory.

Third, this amendment strengthens the certification process by fencing off \$100 million in inventory purchases until the Secretary of Defense makes the required certifications.

This is a small but critical step toward fixing the DOD's inventory system. It is time for this Congress to impose long-needed improvement and require the Pentagon to put its house in order.

Frankly, this is just a small step forward. We have a lot more to do. This country faces enormous problems. We need money spent in many areas. We don't need to be wasting tens of billions of dollars. I look forward to working with my fellow Senators to see that this amendment becomes law.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The gas prices have hit us so hard that my family cannot afford to fill up the tank but rather \$50 at a time. To fill up my diesel tank, it now costs \$160. We cannot afford vacations nor can we afford day trips to the mountains. If this is what the speculators wanted, well, they got it. We basically go to work to pay for fuel. I wanted to see my father this year in Bakersfield, California but

that is impossible now. That would be easily close to \$1,000 in fuel.

What is more frustrating is there is not a thing I can do about it. Groceries have gone up 20%, Idaho Power is planning on raising their rates, [the state of Idaho] wants to increase the car registration to \$150. I give up! When my taxes increase (sales, fees, ssn, state, fed) are more than 50%, I am planning on leaving the workforce and staying home to get all of the benefits of the poor and unemployed.

I am absolutely for a free market economy, but with all of the taxes and fuel charges and surcharges on items that require transit, it is going to break this family.

I am a [conservative, but have been disappointed with the partisan actions on many issues, including immigration, 2nd Amendment rights, national security. It sometimes feels like those we have elected to lead us have forgotten their responsibilities.]

Sincerely,

SAM, Boise.

I think we are technically smart enough to drill for oil without endangering the environment. I mean every place that oil can be found. If we listen to the extreme environmentalists, we will all starve to death in the dark!!!

STEPHEN.

The lobbyist for the oil companies are too rich and have too many politicians in their pockets. The Solar lobby consists of one man begging for tax brakes. Do the math. The federal government really does not [care] about what we, the American people think so, the best thing we (Idaho) can do is to declare sovereignty from the NeoCon/Zionist regime and just live our lives in peace and harmony. Stop killing for oil. Politicians are not intelligent enough to run my life. They are not intelligent enough to resolve the problems of the world today. You will never get anywhere with this. It is all a big joke. But, in the end, the joke will be on the politicians. You see, the Federal Reserve's dollar really is of no real value anyway. The fed has put America in debt that can never be repaid. The private bankers will repo the U.S. to be paid in full, soon. You have nothing to worry about since they already own you and your buddies in Washington. Stop wasting your time and grow a garden. Get right with God.

DOUG.

Energy prices are terribly high and that is uncalled for when we have resources in our own country available if we could lesson some of the ridiculous environmental laws that make it next to impossible to drill and refine our own oil. If we could use our own resources the price of crude oil should come down.

I am retired and live alone, so my fuel needs are not great. I have children and grandchildren whose energy needs are great and the rising prices of food, health care, etc. make life difficult for them. They work hard and some have their own businesses and they have a hard time making ends meet.

We need to make use of the nuclear resources that we already have in place in some areas of our state. Our population is growing and that brings a need for more energy for just living. We need a congress that will encourage not discourage the use of what we have while other sources of energy are being developed.

Sincerely,

FERN, Rigby.

I believe every Congressman should be tried for treason to this country who has not supported our energy independence!! They

have taken an oath to support the constitution and defend the USA from all enemies foreign and domestic!!! We have lost our sovereignty to the foreign oil countries and the problem lies at the feet of Congress!!! In such a court for treason there would be some found not guilty but there would be many who would be found guilty and should be dealt with accordingly!! Yes we need to protect our environment but if we go down as a sovereign nation, who in this world will take over our leadership on the issue of environment??? We have to get our oil and energy independence back so that we can lead the world in saving our environment!!! It is not just about money!!! It is about saving this sovereign nation!!!! Not only does our nation depend on it but all the nations of the free world depend on our survival.

LEE.

I often wonder whatever has become of Senators and Congressmen that love America beyond their own political gain? For years and years the Senate and the Congress have closed their eyes to passing bills that would have protected we Americans from the horrific gas prices we now face. This situation should never have happened! There is nothing that justifies this crisis!!! As the greatest nation on earth, we should not be dependent upon foreign oil We should never be dependent upon countries that despise America. We have enough oil in this nation to care for our own people!

How shameful what you Senators and Congressmen have done to us, the American people!!! Everyone is financially hurting. In our opinions, it is treason on your part! This situation is not going to get better until we drill here, drill now and pay less

We are disappointed and ashamed of our Senators and Congressmen who sat by, and continue to sit by and allow this nation to suffer financially. Do your job or resign!

LA VAR and MARLENA.

My husband has his own business and it is a small 2 man business but they are a valuable resource to our cities. They have a carpet/disaster and restoration company. They are always busy but because of the high price of everything especially gas it really makes it hard on them. They cannot raise their prices for fear of losing business but then again they have to pay the high price of gas to keep customers and keep them happy. It's a no win for them.

PAM.

As a citizen of the United States, and a resident of Idaho, I appreciate your call for suggestions. I have two children, 8 and 12 yrs of age—a boy and a girl. Some of the things that are affected are medical checkups that now go without being done, even with the ridiculous insurance coverage, and then entertainment. So with one big swoop, our lives have just changed in two dramatic ways, one essential at times, the other stress relief. Sad thing is I work in the oil and gas fields. I know that animal rights activists are full of crap for the most part. I see life in the fields far better off than whatever they seem to see. (Or do not see). It is safer for wild animals than it ever has been, and I just do not see why we do not drill more. I am not a huge fan of oil products being wasted, burned, and otherwise used, but let us be real. We have been addicted to this, and now rely on it. Drill, it is renewable. It regenerates, albeit at a slower rate than grass and weeds. Let us look at affordable solar harvest as well.

RICHARD, Firth.

As a small business owner (insurance agency), I have come to realize that this depend-

ence on the present energy sources is not just an incapacitation to private concerns, but will ultimately translate into higher ins. premiums due to increased repair costs arising from parts manufacture costs, repair shop employee costs etc.. This crisis will reach into every avenue of our lives. At 56, I am trying to plan for retirement. I am a licensed securities advisor, and as such probably have better information than most to help to arrive at a reasonable retirement income. However, my present plan, due to energy prices has become doubtful. If my situation is such, what of the common laborer? Will the gov't find themselves caring for the aged in an even bigger way than at present? Where will they get the funds with the increase of baby boomers and reduction of upcoming generations? The energy crisis will be a tremendous cost to our American way of life. I personally believe that all americans should be appraised of those in their voting district that do not support a more aggressive move into the future of energy independence. Perhaps those in elected offices will find themselves more interested in acting upon the will of the masses and less interested in the special interest groups, their money, and in particular the environmentalists. While the invironment must be preserved, it also must be utilized and not be allowed to go unmanaged. I appreciate your concerns, and would like to see someone provide the voting public, the "real time" voting records of those in office. It is always after the fact that the information is recieved, if at all. Only when one's livelihood is at risk, will a person act decisively. Perhaps that would apply to those in office as a result of instant notification of a negative vote.

Sincerely,

JERRY.

Sixteen years ago we moved 12 miles west of Blackfoot on a small acreage to raise our two daughters along with our dogs, cats, horses, and birds. Our oldest daughter has some learning disabilities and is now an active Special Olympics athlete. It was a long road to where she is today and that was an amazing journey. Not long after moving, through our church's children's ministry, we became aware of a great need for safe and nurturing homes for damaged children. We eventually adopted two boys and it was a good thing we lived in the country because they liked to make noise. Some years later we started to take in foster children and have now had about 30 needy kids in our home (at different times I assure you). Early in that venture we developed a relationship with the Shoshone-Bannock people at Fort Hall and they have great needs for homes to take care of their damaged children. Many of our foster kids have been native children and we now have three for which the tribe has allowed us guardianship. These children are very needy and spend time daily with various therapists and the oldest went to a developmental preschool this year. Because of their needs, and our oldest daughter's job at Wal-Mart, our vehicles do not even cool off most days. My wife makes several trips to Blackfoot and to various therapists every day. We travel 500 miles a week or more and the gas prices are painful. However, we just do what it takes. Relief from gas prices would be a wonderful blessing but it does cause a dilemma for us because we are very conservative and do not believe the government should solve all of our problems. However, there are appropriate issues for the government to take responsibility for and this may be one.

We have entrusted you with representing our interests to the federal government so please evaluate this issue very carefully and

if you can find a sound moral and ethical way to help us continue our contribution to our community and our neighbors please strive for that.

Thanks for your service.

DENNIS, *Blackfoot*.

First it is nice to hear that the Senate is at least thinking about it but I have to say that if the Senate needs families to write a few paragraphs to explain what impact these conditions are placing on the American family then I am not sure the Senate is in touch with reality as they should be.

I have worked hard all my life and have provided well for my family. I am very thankful for the opportunities given me. I know that with hard work, kindness for our fellow man we will continue to do well. However, these impacts will be negative in the long run. They are putting undue stress on my family, on my life and every discussion everyday is about these prices and the affects it has on every aspect of the economy. There will be less productivity, less education, more broken families due to the financial stress and probably most important less faith in our system.

The American public has a government in place that has become so out of touch with who it represents that I am not sure anything will or can be done. There is too much greed and dishonesty in our government system and those that lead this country are in it for their own prosperity and not the prosperity and best interests of the people. I feel the liberals only want power and control. And I am not sure what the Republicans represent anymore.

These energy prices impact every aspect of our lives, security and well being. If our government will not do the right thing immediately then there will be ramifications beyond belief and for generations to come. I am sure you know this but I hope you do . . . Our forefathers would have never have let this happen. We would be totally independent of all foreign control. They would have known the liberty and safety of this country would be at jeopardy.

Best Regards,

DAVID.

Today, I was in a grocery store where the fellow in line in front of me bought a small bag of tomatoes for \$7.00. Tomatoes are not in season here, and have to be shipped from California. The clerk said we will no longer be able to buy Cyrus O'Leary pies, as the company is located in Spokane, almost 100 miles away, and they are no longer willing to deliver further than 30 miles. We are going to have to change our ways of living, buying more locally produced goods. There is great opportunity here for new local businesses. People are going to have to once again learn how to eat the food that is in season. Maybe local butcher shops will once again thrive, and be able to compete with the giant slaughter houses. None of this local economic development will happen if we once again are able to buy cheap gas.

I do not favor anything that will bring the price of gas down. Our own natural reserves of oil in the ground should be saved for future generations to be used in manufacturing and other basic industries, instead of being burned up in internal combustion machines. I agree with you wholeheartedly that we need to turn to nuclear (providing there is adequate resources of uranium) and other non oil energy sources, and end our dependence on oil. Without the pain involved in high oil prices, there will not be the will to make this difficult transition. Please stop trying to extract the last drop of oil from the ground so we can have cheap gas, and start thinking about the future.

JANET.

This hits the nail on the head, Senator. Until we cut down on the long-range use of fuels in this country for private transportation, the costs will—most likely—continue to accumulate and even accelerate.

We see it on the highway as semi after semi tools along burning more fuel than an equivalent freight train to handle the same load. Somehow we have to come to grips with this or we are going to find ourselves either walking, or starving, or both.

We see it on the highways and bi-ways of this country as 4-wheelers burn up fuel for recreation that could be put to better use. And, if you so much as suggest this might be a waste of precious resources, your political career would be in jeopardy!

I appreciate the positive steps that you have taken in regard to legislation. The solutions are going to be hard—drill for oil, conserve what we have, eliminate unnecessary trips and combine errands to save gas. And quit using gasoline for recreational uses. These are some of the first steps.

But, ultimately, we are going to have to look deeply at the problem of public transportation in this country. People are too selfish and too intent on achieving their own ends to cooperate until the situation becomes dire.

But I am sure you will agree that this attitude of "you will have to pry my dead hands off the steering wheel (or handlebars) to get me to stop my wasteful practices" will actually only cease when we run out of oil or can no longer afford it. And that will be too late to do anyone any good.

Limited public transportation options mean that many of us do not have any choice but to keep driving and paying those ever-increasing prices for fuel

RAY.

TRIBUTE TO COLONEL ERIC J. WILBUR

Mr. GRASSLEY. Mr. President, it is my honor to pay tribute today to COL Eric J. Wilbur, Vice Commander of the 37th Training Wing at Lockland Air Force Base. On February 1, 2009, Colonel Wilbur will retire after a distinguished 20-year military career in which he has honorably and faithfully served his country. Among many other awards, Colonel Wilbur has been decorated with the Legion of Merit, the Bronze Star, and the Defense Meritorious Service Award.

I have always considered it a privilege to highlight the distinguished service of those men and women serving in the military, especially when they have Iowa ties. As an Iowa native and graduate of Iowa State University, I am confident that Colonel Wilbur retires not only with the esteem and admiration of his peers, subordinates, and country but also his hometown of West Union, IA, and all Iowans.

Through his distinguished career, Colonel Wilbur has been a noteworthy example of the definition of loyalty, dedication, and sacrifice. Today I would like to extend my personal thanks to Colonel Wilbur for faithfully serving his country with excellence, as well as my congratulations on his much deserved retirement. Men and women such as Colonel Wilbur deserve to be recognized for their service and patriotism.

ADDITIONAL STATEMENTS

CONGRATULATING LAURA SANDERS

● Mr. BUNNING. Mr. President, I congratulate Ms. Laura Sanders as Kentucky's 2008 No Child Left Behind American Star of Teaching. Initiated in 2004, the American Starts of Teaching is part of the U.S. Department of Education's Teacher-to-Teacher Initiative. By offering regional and district workshops, roundtables for teachers and principals, and digital learning, the Teacher-to-Teacher Initiative allows some of our nation's best teachers to share strategies to raise student achievement and inform teachers of successful research-based practices. Each year, over one million, students are taught by a teacher who participated in the Teacher-to-Teacher Initiative.

Ms. Sanders, a kindergarten teacher at Cumberland Trace Elementary School in Bowling Green, KY, has been recognized as one of Kentucky's top teachers. She developed teaching practices in her classroom along with research-based materials that have helped her students to consistently make clear improvements. Over the past 2 years, her students' reading scores have gone from the 50th percentile in the fall to over the 85th and 91st percentile the following spring. Ms. Sanders' ability to assess the individual needs of each student has enabled her to ensure that every child is working at an appropriate pace and level. Having already been a recipient of numerous awards for her contribution to education, her work is widely recognized.

I am proud to recognize Ms. Sanders for her ability to effectively challenge students at Cumberland Trace Elementary School, while at the same time sharing her techniques with other teachers—making a difference in the lives of students. Her work is an inspiration to the citizens of Kentucky and to teachers everywhere. I look forward to seeing all that she will accomplish in the future.●

HONORING THE HEALTH OCCUPATION STUDENTS OF AMERICA

● Mr. CORNYN. Mr. President, today I wish to recognize the Health Occupation Students of America, HOSA, for their accomplishments over the past 32 years. Composed of 100,000 students in nearly 3,000 chapters across the Nation, HOSA is providing the knowledge, skills and opportunity for secondary and postsecondary students to enter the health care workforce. Through health science curricula, personal development exercises, practical work in the health care field and medical competitions at the local and national levels, HOSA Advisors and students prepare a healthcare workforce not only to serve but also to lead our country.

Now more than ever, we need organizations like HOSA to address critical

shortages in the health care industry. Occupational programs in our high schools offer training for young students and often help them find a rewarding career path. Programs like HOSA direct students to worthwhile vocations while also leading the effort to stimulate industry and job growth.

The American healthcare system faces myriad, complex challenges: rising prescription drug costs, a lack of stable insurance coverage, and a medical bureaucracy that is increasingly difficult to navigate. Qualified healthcare professionals should not be one of them. HOSA has found a way to combine two very important needs in our economy: an educated workforce and competent health care professionals.

I am proud that Texas is home to HOSA National Headquarters and to 491 chapters, the most of any State in the Nation. HOSA is helping build a pipeline of skilled health care workers to ensure that health care in the United States remains a model of professionalism, compassion, and innovation to the world. I commend these talented and ambitious young men and women for their dedication both to the health care profession and to our Nation.●

REMEMBERING DON HASKINS

● Mr. CORNYN. Mr. President, today I wish to pay tribute to Don Haskins, a great Texan, legendary basketball coach, and remarkable man who passed away earlier this week at his home in El Paso.

Haskins, who started his career coaching small-town high school basketball teams, served as the head coach at Texas Western College, now the University of Texas at El Paso, UTEP, from 1961 to 1999. His decision to “put my five best guys on the court” in the 1966 NCAA national championship game against the Kentucky Wildcats is now widely regarded as a catalyst for racial integration in college sports. The Texas Western Miners, with an all-Black starting lineup, beat the Wildcats 72–65. Their inspiring story is told in the film, “Glory Road,” and the book of the same name.

Over his long career, Coach Haskins compiled a 719–353 record and earned a place in the Naismith Memorial Basketball Hall of Fame in 1997 and the Texas Sports Hall of Fame in 1987. Over the years, he turned down lucrative job offers in order to stay at UTEP. He retired in 1999 with the fourth best record in history that included winning seven Western Athletic Conference, WAC, championships and four WAC tournament titles.

While Coach Haskins was known for his tough and competitive spirit, he is also remembered for his selfless acts of kindness.

According to an Associated Press report, “USC coach Tim Floyd, a former Haskins assistant, said he once got a call from the mayor of Van Horn, a

small town about 120 miles east of El Paso, to thank Haskins for giving a ride to a family of five stranded along the highway.

“He’d been coyote hunting and saw a station wagon broken down,” Floyd recalled this week. ‘He put them (the family) in his truck, drove them to El Paso, put them up in a hotel for two nights, and gave them \$1,000.’

“The family drove to Los Angeles after Haskins also helped get their car repaired. The coach never told anyone about it, not even his wife, according to Floyd.

“Floyd said he never told the story before, mostly because Haskins wouldn’t have wanted anyone to know.

“I’m only telling it now because he’s gone,” Floyd said. ‘I want people to know.’”

In deciding to devote the best years of his life and career to the people of Texas, Coach Haskins built a legacy that will continue to inspire generations. I join with all Texans as we mourn his passing and extend our deepest condolences to his family.●

COMMENDING THE IDAHO ARMY NATIONAL GUARD UNIT

● Mr. CRAPO. Mr. President, in early August, I was informed that an Idaho Army National Guard Unit from eastern Idaho was awarded one of the U.S. Army’s highest commendations, the Meritorious Unit Commendation. The First Battalion, 148th Field Artillery Unit based in Pocatello served as part of the Idaho Army National Guard’s 116th Cavalry Brigade combat team in 2004 and 2005 in Iraq. Although part of a combat brigade, these citizen soldiers are doctors, dentists, electricians, lawyers, and other occupations as Idaho civilians. BG Alay Gayhart, Assistant Adjutant Army General for the Idaho Army National Guard, has rightly noted that these men and women utilized their civilian occupational skills in Iraq to help restore civic and governmental services to the country. I am honored to call myself a fellow Idahoan of these brave men and women, some of whom I had the pleasure of meeting prior to their deployment when they were at Fort Bliss, TX, at the end of the summer in 2004. I congratulate them on their professionalism, commitment to our mission, and am happy for their safe return to family and friends. I also keep the families and friends of those who made the ultimate sacrifice in prayer as they continue on without their loved ones.

Idaho has a proud history of military service. Her sons and daughters have been serving our Nation in uniform far from home since the days of the Spanish American War in the early 20th century. The deployment of the 116th Cavalry Brigade combat team from 2004 to 2005 was the largest deployment of the Idaho Army National Guard in history.

The Meritorious Unit Commendation is awarded to military commands that

display exceptionally meritorious conduct in the performance of outstanding service, heroic deed, or valorous actions. The unit was recommended for the award by the U.S. Army’s higher headquarters and was selected by the Pentagon for the commendations.●

DENISON COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students’ test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Denison Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Denison Community School District received a 2002 Harkin grant totaling \$904,200 which it used to help with renovations at the elementary school including the installation of air conditioning. The district also received a 2005 construction grant to help build a new middle school and make renovations at the former middle school. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves.

Excellent new schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Denison Community School District. In particular, I would like to recognize the leadership of the Board of Education, president Rod Bradley, vice president Brenda Martens, Mark Johnson, Kris Rowedder and Les Lewis and former board member Craig Dozark. I would also like to recognize superintendent Michael Pardun, former superintendent Bill Wright, business manager Larry Struck and the co-chairs of the Vote Yes Committee, Dr. Scott Bowker and Chad Langenfeld.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Denison Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

ESTHERVILLE-LINCOLN CENTRAL COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Estherville-Lincoln Central Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Estherville-Lincoln Central Community School District received three fire safety grants totaling \$350,000 to make safety improvements throughout the district, including the installation of new fire alarm systems at the elementary and middle schools and replacement of doors and hardware at the high school. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Estherville-Lincoln Central Community School District. In particular, I would like to recognize the leadership of the Board of Education—president Molly Anderson, vice president Karen Butler, Nancy Anderson, Mike Karels, Don Schlitz, Jodie Grieg, and Duane Schnell and former board members, Gordon Juhl, Tom Ross, and Gary Feddern. I would also like to recognize superintendent Richard Magnuson, elementary principal Kris Schlievert, former middle school principal Steve Schroeder, former high school principal Susan Bish, business manager Kate Woods, maintenance supervisors Al Hall and Larry Enderson, Estherville Police Chief Eric Milburn and Estherville Fire Chief Randy Cody.

As we mark the 10th anniversary of the Harkin School grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Estherville-Lincoln Central Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

MFL MARMAC COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the MFL MarMac Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal

name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The MFL MarMac Community School District received a 2001 Harkin grant totaling \$162,500 which it used to help build an addition at the high school for the music programs and to remodel the former music classrooms to expand the library. The district also received a 2003 fire safety grant for \$25,000 to upgrade the fire alarm system in the Monona building. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the MFL MarMac Community School District. In particular, I'd like to recognize the leadership of the Board of Education, president Jill Winkowski, vice president Patti Ruff, Patty Burkle, Toni Niel, Brian Meyer, Terry Mohs and Greg Formanek and former members Craig Strutt, Norm Lincoln and Jerry Schroeder and superintendent Dale Crozier. I would also like to recognize the many individuals who served on the MFL MarMac facility committee which provided valuable input on meeting the needs of the school district.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the MFL MarMac Community School District. There is no question that a quality public education for every child is a

top priority in that community. I salute them, and wish them a very successful new school year.●

POSTVILLE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Postville Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of \$121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Postville Community School District received a 2002 Harkin grant totaling \$1 million which it used to help build an addition to the elementary school that included a new media center and administrative offices. The district also received a 2003 grant totaling \$265,408 for renovations at the high school. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Postville Community School District. In particular, I'd like to recognize the leadership of the Board of Education, president Brad Rekow, Jeff Cox, Laura Lubka, Jamie Smith and Dan Schutte and former board members Staci Malcom, Kathy Ohloff, Gary Catterson, Dennis Koenig and Dennis White. I would also like to recognize the chairman of the district's capital campaign, Cloy Kuhse, superintendent Darwin Winke, former superintendent David Strudthoff and architect Mark Moine of Gardner Architecture.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings

and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultra-modern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Postville Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

HONORING DR. AL LORENZO

● Mr. LEVIN. Mr. President, the importance of providing access to a quality education is one of our most important goals as a nation, as our children and grandchildren compete in an ever increasingly complex workplace. Those who dedicate their lives to this mission have chosen one of the most rewarding and satisfying life paths. For 29 years, Dr. Albert Lorenzo served as president of Macomb Community College, skillfully charting a course that has greatly benefitted not only those who have been directly affiliated with the college, but also the surrounding community. His commitment to educating students has transformed countless lives.

July 1, 2008, marked the end of an era for one of Michigan's premier educational institutions, Macomb Community College, and the end of a richly rewarding journey for Dr. Lorenzo. I, along with my Michigan colleague, Senator STABENOW, would like to sincerely thank him for a job well done and for making such a significant contribution to the lives of the people of Macomb County and the State of Michigan.

Dr. Lorenzo was installed as the fourth president of Macomb Community College in July 1979 and navigated the college through significant transition and growth. Upon his retirement, he was the longest-serving community college president in Michigan. Under his leadership, Macomb Community College began offering classes leading to various bachelor degrees in 1991, filling an important void in the community. Dr. Lorenzo is also credited with creating the first ever university center model, which is now used in community colleges throughout the country. Macomb's University Center facilitates partnerships with eight universities and institutions, working to bring higher educational opportunities to this underserved community in

Michigan. The college is flourishing, with an enrollment of approximately 27,000 students and with three out of every four Macomb County college students beginning their college careers at MCC.

In addition to his commitment and success at MCC, Dr. Lorenzo has been a leading member of the Macomb community. Over the years, he has been active on several corporate boards and policy commissions, has worked with several national advisory groups and has been appointed by both Governor Engler and Governor Granholm to economic advisory boards.

Al Lorenzo has also been recognized nationally for his many publications and has been awarded 12 major leadership awards, as well as 2 honorary doctoral degrees. He has received numerous other commendations, including the Tom Peters Leadership Award, and the March of Dimes Citizen of the Year Award. Additionally, he was named President of the Year by three national associations.

Al will be devoting the next chapter of his life to solving the economic and educational challenges that face Macomb County and Michigan by working with Oakland University as they expand their services in Macomb County. We know our colleagues in the Senate join us in recognizing Dr. Al Lorenzo, his wife Katherine, and their family on his retirement. He has left an enduring mark on the educational landscape in Michigan, and we wish him many more years of service and success as he begins this new endeavor.●

ANNIVERSARY OF MARIAN HIGH SCHOOL

● Mr. LEVIN. Mr. President, I would like to offer my warmest congratulations to the students, faculty and staff of Marian High School on the 50th anniversary of the school's founding. This is indeed an important milestone, and the many contributions they have made are evident throughout the Detroit community.

For a half century, the faculty and staff of Marian High School have worked tirelessly to educate young women and prepare them for college and the workforce. The school's emphasis in service instills the values of leadership and responsibility in Marian High students, and the strong academic curriculum, vast array of sports and activities, and qualified staff has contributed mightily to the success of many women over the years.

Education is an investment in the future of our Nation, and students and schools must aspire to high standards. Throughout the last 50 years, the faculty and staff of Marian High School have met this challenge by fostering a nurturing and safe environment for its students to grow and develop. The most recent example of this is the class of 2007, which produced five National Merit Scholars, 37 Phi Beta Kappa Honorees, and numerous other scholarship

winners. Students at Marian continued to consistently score above State and national averages on the SAT and ACT tests, a testament to the high standard of excellence cultivated at Marian High School.

I know my Senate colleagues join me in extending my congratulations to the faculty, staff, alumni, and students of Marian High School on the school's 50th anniversary. I wish them the best as they continue this important work for another half century.●

WEST VIRGINIA ANGELS IN ADOPTION

● Mr. ROCKEFELLER. Mr. President, today I honor the love and commitment exhibited by two of my fellow West Virginians, Jeff and Amy Dunford of Spanishburg, my 2008 nominees as West Virginia's Angels in Adoption. I have participated in this program by the Congressional Caucus on Adoption since its inception, and I am proud to talk about this year's West Virginia family.

In 2003, Jeff and Amy made the wonderful decision to become foster parents. They, like many caring West Virginia families, opened up their home and created a loving environment for children in need of such a place.

The Dunfords started with a sibling group, and by the spring of 2005, the Dunfords have successfully adopted three children, all the while continuing to provide both a short-term and long-term home for additional foster children. In fact, it was not long after the adoption process was completed that another sibling group was placed in the Dunford home. These three boys, all under the age of 3, would also be adopted by the Dunfords.

Being a foster and adoptive family always has its challenges, as well as its unique rewards. Taking care of young children often means sleepless nights, unexpected emergency room visits, and countless parent-teacher conferences. They were also faced with situations unique to foster families, including biological parent visits and counseling sessions. Through it all, the Dunfords faced these challenges with love and determination and now six children have a permanent and loving home.

Today, the Dunford family consists of Jeff and Amy, Jeremy, Walter, Holly, Richard, Greg, and Christopher. Jeff and Amy continue to be active in the foster care system, providing assistance with recruitment and training.

Jeff and Amy are a testament to the wonderful men and women involved in foster care and adoption services. Throughout my Senate career and as a member of the Congressional Coalition on Adoption, I have worked hard in a bipartisan manner to expand and support adoptive and foster parents. Over the years, progress has been made, and since the 1997 Adoption and Safe Family Act which I fought for, adoptions for foster care have doubled—a true

sign of success. But with over 100,000 children still in foster care and waiting to be adopted, there is more to do.

This year, I am working with a bipartisan coalition to expand the adoption incentives program, improve adoption assistance and on programs enhancing foster care. As important as policy can be, the true heroes are the parents like the Dunfords, who have selflessly opened up their home to vulnerable children. I hope their story, and the stories of all this year's Angels in Adoption, will inspire my colleagues and families nationwide to promote adoption and other supports for vulnerable children.●

MESSAGE FROM THE HOUSE

At 2:45 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R.6168. An act 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".

H.R.6575. An act to require the Archivist of the United States to promulgate regulations to prevent the over-classification of information, and for other purposes.

H.R.6630. An act 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.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6168. An act 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"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6575. An act to require the Archivist of the United States to promulgate regulations to prevent the over-classification of information, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6630. An act 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; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7500. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to the continuation of the national emergency

with respect to certain terrorist attacks; to the Committee on Banking, Housing, and Urban Affairs.

EC-7501. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Singapore; to the Committee on Banking, Housing, and Urban Affairs.

EC-7502. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Republic of the Philippines; to the Committee on Banking, Housing, and Urban Affairs.

EC-7503. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. Exports to Hong Kong; to the Committee on Banking, Housing, and Urban Affairs.

EC-7504. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((73 FR 46809)/(44 CFR Part 65)) received on August 27, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-7505. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((73 FR 46811)/(44 CFR Part 67)) received on August 27, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-7506. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Conforming Amendment to Include Students with Disabilities Receiving Assistance as of November 30, 2005" ((RIN2501-AD43)(FR-5226-F-01)) received on August 27, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-7507. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Kosovo in the Export Administration Regulations" (RIN0694-AE34) received on August 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-7508. A communication from the President of the United States, transmitting, pursuant to law, the District of Columbia's Budget Request Act for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-7509. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, a report relative to the organization's inventory of commercial activities for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-7510. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, a report relative to the Commission's FAIR Act inventory for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-7511. A communication from the Chief of Staff and Director of Communications, Office of Special Counsel, transmitting, pursuant to law, the Office of Special Counsel's

Buy American Act report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-7512. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department's inventory of non-inherently governmental activities during fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-7513. A communication from the Acting Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Critical Position Pay Authority" (RIN3206-AK87) received on August 26, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-7514. A communication from the Deputy Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Dental and Vision Insurance Program" (RIN3206-AL03) received on August 26, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-7515. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items that will not measurably improve the missile or space launch capabilities of the People's Republic of China (one two-inch fluid energy mill); to the Committee on Foreign Relations.

EC-7516. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, a correspondence from the Chairman of Bahrain's Council of Representatives; to the Committee on Foreign Relations.

EC-7517. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, weekly reports relative to post-liberation Iraq for the period of June 15, 2008, through August 15, 2008; to the Committee on Foreign Relations.

EC-7518. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the employment of an adequate number of Americans during 2007 by the United Nations; to the Committee on Foreign Relations.

EC-7519. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008-129-2008-139); to the Committee on Foreign Relations.

EC-7520. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008-140-2008-147); to the Committee on Foreign Relations.

EC-7521. A communication from the Secretary General, Inter-Parliamentary Union, transmitting, documents relative to the International Day of Democracy; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DODD, from the Committee on Foreign Relations, without amendment:

S. 3052. A bill to provide for the transfer of naval vessels to certain foreign recipients (Rept. No. 110-451).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COLEMAN:

S. 3460. A bill to establish a pilot program to demonstrate best practices, innovation, and knowledge transfer regarding cyber security within State governments; to the Committee on Homeland Security and Governmental Affairs.

By Mr. FEINGOLD:

S. 3461. A bill to evaluate certain certification programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3462. A bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by heirs and survivors of such persons; to the Committee on the Judiciary.

By Mr. TESTER (for himself and Mrs. FEINSTEIN):

S. 3463. A bill to amend the Energy Policy Act of 2005 to establish pilot project offices to improve Federal permit coordination for renewable energy; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. HATCH):

S. 3464. A bill to amend the Trade Act of 1974 to improve the international protection and enforcement of intellectual property rights, and for other purposes; to the Committee on Finance.

By Mr. WICKER:

S. 3465. A bill to reserve certain proceeds from the auction of spectrum, including the auction of the D-block of spectrum, for use to provide interoperable devices to public safety personnel; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD:

S. 3466. A bill to improve the job access and reverse commute program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR:

S. 3467. A bill to extend through April 1, 2009, the MinnesotaCare Medicaid demonstration project; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. ALEXANDER):

S. 3468. A bill to amend title XVIII of the Social Security Act to continue the ability of hospitals to supply a needed workforce of nurses and allied health professionals by preserving funding for hospital operated nursing and allied health education programs; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. Res. 653. A resolution celebrating the outstanding athletic accomplishments of

The Ohio State University football team for achieving its 800th all-time victory; to the Committee on the Judiciary.

By Mr. BROWN (for himself, Mr. VOINOVICH, and Mr. HATCH):

S. Res. 654. A resolution honoring the life and recognizing the accomplishments of the Honorable Stephanie Tubbs Jones, Member of the House of Representatives for the 11th Congressional District of Ohio; considered and agreed to.

By Mrs. CLINTON:

S. Con. Res. 97. A concurrent resolution expressing the sense of Congress regarding sexual assaults and rape in the military; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 507

At the request of Mr. CONRAD, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 826

At the request of Mr. MENENDEZ, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 826, a bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women.

S. 903

At the request of Mr. DURBIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 1001

At the request of Mrs. HUTCHISON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1001, a bill to restore Second Amendment rights in the District of Columbia.

S. 1232

At the request of Mr. DODD, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1375

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1375, a bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression.

S. 2059

At the request of Mrs. CLINTON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2261

At the request of Mr. KOHL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2261, a bill to restore the that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

S. 2310

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2310, a bill to establish a National Catastrophic Risks Consortium and a National Homeowners' Insurance Stabilization Program, and for other purposes.

S. 2641

At the request of Mr. GRASSLEY, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2641, a bill to amend title XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities.

S. 2892

At the request of Mr. LEAHY, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2892, a bill to promote the prosecution and enforcement of frauds against the United States by suspending the statute of limitations during times when Congress has authorized the use of military force.

S. 2908

At the request of Mr. BROWN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2908, a bill to amend title II of the Social Security Act to prohibit the display of Social Security account numbers on Medicare cards.

S. 2998

At the request of Mr. NELSON of Florida, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2998, a bill to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services, and for other purposes.

S. 2999

At the request of Mr. BROWN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2999, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of

1986 to require group and individual health insurance coverage and group health plans to provide coverage for individuals participating in approved cancer clinical trials.

S. 3078

At the request of Ms. COLLINS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3078, a bill to establish a National Innovation Council, to improve the coordination of innovation activities among industries in the United States, and for other purposes.

S. 3080

At the request of Mrs. FEINSTEIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3080, a bill to ensure parity between the temporary duty imposed on ethanol and tax credits provided on ethanol.

S. 3200

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3200, a bill to develop capacity and infrastructure for mentoring programs.

S. 3246

At the request of Mr. CARDIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3246, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to set the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction.

S. 3325

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3325, a bill to enhance remedies for violations of intellectual property laws, and for other purposes.

S. 3327

At the request of Mr. KERRY, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 3327, a bill to amend title XIX of the Social Security Act to improve the State plan amendment option for providing home and community-based services under the Medicaid program, and for other purposes.

S. 3361

At the request of Mr. VITTER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 3361, a bill to amend title IV of the Social Security Act to require States to implement a drug testing program for applicants for and recipients of assistance under the Temporary Assistance for Needy Families (TANF) program.

S. 3362

At the request of Mr. KERRY, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 3362, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

S. 3377

At the request of Mr. COLEMAN, the name of the Senator from North Caro-

lina (Mrs. DOLE) was added as a cosponsor of S. 3377, a bill to amend title 46, United States Code, to waive the biometric transportation security card requirement for certain small business merchant mariners, and for other purposes.

S. 3392

At the request of Ms. KLOBUCHAR, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3392, a bill to amend Homeland Security Act of 2002 to establish an appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight, or denied a right, benefit, or privilege, and for other purposes.

S. 3406

At the request of Mr. HARKIN, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 3406, a bill to restore the intent and protections of the Americans with Disabilities Act of 1990.

S. 3408

At the request of Mr. BAUCUS, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 3408, a bill to amend title XI of the Social Security Act to provide for the conduct of comparative effectiveness research and to amend the Internal Revenue Code of 1986 to establish a Comparative Effectiveness Research Trust Fund, and for other purposes.

S. 3429

At the request of Mr. SCHUMER, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Georgia (Mr. ISAKSON) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 3429, a bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions.

S. 3458

At the request of Mr. BUNNING, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3458, a bill to prohibit golden parachute payments for former executives and directors of Fannie Mae and Freddie Mac.

S.J. RES. 27

At the request of Mrs. DOLE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S.J. Res. 27, a joint resolution proposing an amendment to the Constitution of the United States relative to the line item veto.

S. RES. 636

At the request of Mr. LIEBERMAN, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from North Carolina (Mr. BURR), the Senator from North Carolina (Mrs. DOLE) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. Res. 636, a resolution recognizing the strategic success of the troop surge in Iraq and expressing gratitude to the

members of the United States Armed Forces who made that success possible.

AMENDMENT NO. 4979

At the request of Mr. NELSON of Florida, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 4979 proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5266

At the request of Mr. REID, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 5266 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5271

At the request of Mr. VOINOVICH, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 5271 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5281

At the request of Mr. NELSON of Nebraska, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 5281 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5282

At the request of Mr. NELSON of Nebraska, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 5282 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5298

At the request of Mr. ALLARD, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Mississippi (Mr. COCHRAN), the Senator

from Georgia (Mr. CHAMBLISS), the Senator from Florida (Mr. MARTINEZ), the Senator from Alabama (Mr. SESSIONS), the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from Arizona (Mr. KYL), the Senator from Virginia (Mr. WARNER), the Senator from Missouri (Mr. BOND), the Senator from Texas (Mrs. HUTCHISON), the Senator from Idaho (Mr. CRAPO), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Ohio (Mr. VOINOVICH), the Senator from Minnesota (Mr. COLEMAN), the Senator from Oklahoma (Mr. INHOFE), the Senator from South Carolina (Mr. GRAHAM), the Senator from Kentucky (Mr. BUNNING), the Senator from Georgia (Mr. ISAKSON), the Senator from Tennessee (Mr. CORKER) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 5298 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5302

At the request of Mr. NELSON of Florida, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 5302 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5319

At the request of Mr. SUNUNU, his name was added as a cosponsor of amendment No. 5319 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5320

At the request of Mr. SANDERS, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 5320 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5323

At the request of Mr. LEAHY, the names of the Senator from Iowa (Mr.

GRASSLEY), the Senator from Oregon (Mr. WYDEN), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of amendment No. 5323 proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of amendment No. 5323 proposed to S. 3001, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 3461. A bill to evaluate certain certification programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today I introduce a simple bill that is the first step toward helping American workers and businesses. The Skills Standards Certification Evaluation Act of 2008 will require the Secretaries of Labor and Commerce to evaluate skills standards certification programs that have been developed with Federal funding.

Skills Standards Certifications have emerged in the past 2 decades in response to job growth in high-technology and varied industries. The training or classes usually take weeks or months, rather than years. Often, they are developed in response to the needs of one industry or even one company, though the skills may be applicable more widely.

The Federal government has taken conflicting approaches to skills standards certifications over the past two decades. That is why, as part of the Skills Standards Certification Evaluation Act, I require a recommendation from the Secretaries of Labor and Commerce on how Congress ought to move forward with funding for these certification programs. Both the national, top-down, and a local, bottom-up approach have been tried, and a thorough evaluation will make clear how we can move forward to get the most out of the funding the Federal Government provides.

These certifications have a tremendous benefit for workers. First, because the training is often condensed into a few weeks with a flexible schedule, it allows people to complete certifications without leaving a current job and without the financial cost of attending a full-time program that lasts a year or more. In addition, these programs allow workers to clearly demonstrate a certain set of skills, and may open more doors for higher-paying employment. Because these programs can be completed without leaving work, they also allow workers to advance within a career or company to

more skilled positions and better wages and benefits.

For employers, Skills Standards Certifications can simplify the search for employees. I have heard from numerous Wisconsin employers, especially small businesses with limited resources, that it is hard to find employees with the skills they need, or who will be dedicated and loyal. Skills Standards Certifications clearly show the qualification of an individual, of course, but also tell the employer that he or she is dedicated enough to invest in the course to earn the certificate. Very few people will spend the time and money to enroll in such a program if they don't intend to use the certificate.

Lastly, these programs can help State and local governments quantify their skilled workforce, which can be invaluable when marketing the area to businesses and investment.

This bill is a small first step in what I hope can be a continuing effort to help hard working Americans obtain and use high-demand work skills.

By Mr. BAUCUS (for himself and Mr. HATCH):

S. 3464. A bill to amend the Trade Act of 1974 to improve the international protection and enforcement of intellectual property rights, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to express my support for International Intellectual Property Protection and Enforcement Act of 2008 S. 3464, introduced by my friend from Montana, Senate Finance Committee Chairman MAX BAUCUS and myself. This piece of legislation represents months of hard work and collaboration, and I am pleased that we have finally arrived at a consensus on this very important global issue.

The protection of intellectual property has always been one of my top legislative priorities in the Senate. Now more than ever, America's ingenuity continues to fuel our economy, and it is imperative that we protect new ideas and investments in innovation and creativity. Make no mistake about it: piracy and counterfeiting are the new face of economic crime around the world, far exceeding traditional property crimes.

It is estimated that U.S. intellectual property alone is worth \$5 to \$5.5 trillion, that is equivalent to about 45 percent of our GDP. In other words, this is greater than the entire GDP of any other nation in the world. Additionally, millions and millions of jobs are created every year by U.S. IP industries. And, I might add, these jobs earn an average of 40 percent more than the average pay of other U.S. jobs. Without doubt, America's Intellectual property drives our economy and is the envy of the world and we must do everything to protect our prime status as a world leader on this front.

Counterfeiting and piracy aren't just about downloaded music, pirated soft-

ware, or fake designer hand bags. It's about the health and safety of the American people. Indeed, counterfeiting and piracy affect all sectors of our economy, including pharmaceuticals, auto parts, and the quality and safety of our food.

S. 3464 will serve as an important bridge in the battle to protect U.S. intellectual property rights overseas. With the rising tide of piracy and counterfeiting abroad, it is vital that we provide those working on the front lines with the tools they need to ensure that our nation's IP rights are lawfully respected by foreign countries.

To that end, S. 3464 will require the U.S. Trade Representative, USTR, to press countries that violate U.S. intellectual property rights to take specific steps to stop violations by developing an action plan for each foreign country that has remained on USTR's "Priority Watch List" of intellectual property deficient countries for at least one year. The action plan must list the legislative, enforcement, or other actions that the foreign country must take in order to achieve adequate and effective protection of intellectual property rights.

The legislation also provides funds to increase USTR's ability to partner with developing countries to improve IP protection and enforcement, including capacity building, activities designed to increase awareness of intellectual property rights, and training for officials responsible for enforcing the laws. Additionally, the bill give the President enforcement tools to deal with countries that refuse to fight widespread theft of our Nation's IP.

I am committed to moving this legislation forward and hope that we will do so in an expeditious manner.

By Mr. FEINGOLD:

S. 3466. A bill to improve the job access and reverse commute program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FEINGOLD. Mr. President, today I introduce another piece of my E4 initiative, so named because it is a collection of proposals that address issues important to the economy, education, employment and energy. The piece of legislation I am introducing now focuses on the important supporting role that transportation can play in economic development by creating an environment where employers and those seeking employment or better employment are connected together. Having such a system to overcome transportation hurdles can benefit both employers and employees, as well as the local economy.

In more general terms, investing in our infrastructure like roads, bridges and transit systems can have direct job creation impacts. This is one reason I have fought hard with the rest of the delegation for a fair rate of return for Wisconsin from the highway bill. I was glad the most recent 2005 bill continued

a recent streak of getting at least a 1:1 rate of return after decades of being a donor state and not getting a fair share.

In addition to supporting transportation-related jobs, linking workers and businesses that need them can also be an important part of a more comprehensive job creation strategy. This can mean supporting a robust public transportation system or more specific programs designed to link low-income individuals with jobs. I have consistently done the former by supporting public transportation during consideration of the highway bill and Amtrak reauthorizations. But my specific proposal today focuses on the latter and improving the Job Access and Reverse Commute, JARC, program that links low-income workers with employers.

I have heard good things about the JARC program and was glad that it was shifted away from earmarks and was made available as a combination formula and competitively awarded program in the last highway bill. The primary program goal is to locally assess the transportation needs of low-income workers and then plan and fund programs to help alleviate transportation-related barriers to employment or better employment. While the traditional vision for these projects may have begun as reverse commute projects whereby transit routes were established to allow city center residents to access jobs in the suburbs, the program actually does much more than just this and provides reliable transportation to low-income urban, rural and suburban workers.

In Wisconsin, the Federal JARC program is jointly administered by the State departments of transportation and workforce development as the Wisconsin Employment Transportation Assistance Program, WETAP. According to the Wisconsin Department of Transportation, transportation barriers can include a lack of a dependable vehicle or bus service in the area, an absence of local jobs, or child care transportation problems.

The State agencies in Wisconsin have found several different types of projects to be effective, depending on the local circumstances. These projects have included the traditional public transit projects such as extending bus lines or supporting van-pooling, along with other programs such as providing cars or car repairs to low-income individuals. Wisconsin has even found that assisting with indirect barriers such as transportation of children to and from child care facilities is critical in allowing some individuals to improve their job prospects.

A recent University of Illinois Chicago study found that the societal benefits from this program are \$1.65 per dollar spent and estimated lifetime benefits to low-income participants of \$15 per dollar spent due to their ability to find and retain better paying jobs. While the goals of the Job Access and Reverse Commute program are important and the program has been found to

be fairly effective, there are some details that have prevented the program from reaching its full potential. Working closely with transportation officials in Wisconsin and partially based on recommendations from the UIC study, I've come up with some specific ideas to improve the program.

With a proven effective program and continuing unmet needs by employers and low-income individuals seeking employment, it seems clear to me that JARC could use a boost in funding. So that is why my proposal ramps up funding by \$100 million over 5 years from the current funding of \$165 million to \$265 million in fiscal year 2014.

My proposal would also allow the Federal share of projects to increase to 80 percent from the current 50 percent level for operating expenses. The 50 percent local and State match wasn't feasible for far too many local governments in Wisconsin and as a result Wisconsin has not been able to spend all its Federal funds. The higher Federal cost share will better balance the need to leverage Federal funds, while ensuring that these critical funds are fully utilized—millions of dollars in an account does nothing to link people to jobs.

Besides the challenge in coming up with a 50 percent local cost share, the other main issue that has kept JARC from being as effective as it could be is the paperwork and reporting burden required by the program, especially for the small nonprofit groups that often have never dealt with Federal grant requirements before. My proposal directs the Federal Transit Agency, FTA, to examine the current reporting requirements to see if there are ways to streamline the amount of paperwork required while still ensuring that the program goals are met.

My bill also includes a pilot program funded at \$10 million a year for 5 years in order to test a few areas that seem very promising, but should be evaluated more before broader implementation. The first portion of the pilot program builds off the regulatory streamlining evaluation and allows the FTA to test streamlined reporting requirements to help get the balance between oversight and administrative burden in proper balance.

The second part of the pilot program focuses on improving education and employment-related transportation for teens and young adults. Enabling students and young people to reliably get between their high schools or neighborhoods and technical colleges, job training centers or apprenticeships can have a life-long positive impact.

The third section of the pilot program would allow experimentation with combining different transit programs and integrating JARC projects across local political boundaries to provide a more comprehensive local transportation system. Instead of having one transit program to assist the disabled, one targeted toward the elderly and another focused on jobs, this

pilot program would encourage funding combined applications to meet these needs together with one comprehensive project. There is even the potential for the Department of Transportation to further coordinate with other departments such as Health and Human Services for health care-related transportation. Similarly, the needs of employers for employees does not recognize local political boundaries, so encouraging greater collaboration between local entities to make a more robust interconnected system should ultimately provide more efficient and effective service.

While the FTA already provides some technical assistance for the JARC program, my proposal provides a small boost in funding and some additional areas of emphasis. For example, after hearing about the struggles that some small nonprofits have with the reporting requirements, in addition to looking for ways to streamline the requirements, my proposal would direct the FTA to also provide some technical assistance especially targeted to this need.

The final element of my proposal is the offset. The new spending authorized in the proposal is fully offset by rescinding highway and bridge earmarks that have not had funds spent from them despite being authorized over a decade ago as part of the TEA-21 highway bill. Helping connect workers and employers is a much better use of these funds than letting them sit unused in some obscure DOT account.

Providing reliable transportation to low-income individuals only goes so far—it is the companies and innovators creating the jobs and the individuals seeking to better their lot through education or more challenging employment, that are doing the heavy lifting. That being said, transportation can clearly be a challenge for companies and workers and in the case of the JARC program can play an important supporting role.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 653—CELEBRATING THE OUTSTANDING ATHLETIC ACCOMPLISHMENTS OF THE OHIO STATE UNIVERSITY FOOTBALL TEAM FOR ACHIEVING ITS 800TH ALL-TIME VICTORY

Mr. BROWN (for himself and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 653

Whereas, on September 6, 2008, The Ohio State University football team, known as the "Buckeyes," achieved its 800th win, becoming the 5th major college football program to reach this mark;

Whereas the Buckeyes have an all-time record of 800 wins, 304 losses, and 53 ties in their 119 seasons;

Whereas, in 1890, the Buckeyes played their first game, and since have become a symbol

of pride and tradition for the past and present members of The Ohio State University community;

Whereas The Ohio State University has the largest self-supporting athletics program in the country;

Whereas The Ohio State University continues to strive for academic excellence in sports, ranking first in the Big Ten Academic All-Conference Team for the 2007-08 academic year;

Whereas, there are 1,877 Buckeye All-Americans in the history of the program;

Whereas the Ohio State athletic program strives to improve the academic quality of The Ohio State University by donating key funding to renovate Ohio State's academic facilities, including the recent donation to the William Oxley Thompson Memorial Library;

Whereas Ohio State strives for diversity at all levels and was commended nationally in 2007-08 for its National Collegiate Athletic Association academic progress rate, Overall Excellence in Diversity, and for ranking 2nd in the Degree Completion Program;

Whereas each year Ohio State student-athletes and coaches are involved in thousands of hours of community service;

Whereas each player, coach, and contributor to the team remained committed to ensuring that the Buckeyes achieved this historic accomplishment; and

Whereas all supporters of The Ohio State University are to be praised for their dedication to, and pride in, The Ohio State University football program: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates The Ohio State University football team for achieving 800 victories in its 119-year-history;

(2) recognizes The Ohio State University athletic program for its accomplishments in both sports and academics; and

(3) requests the Secretary of the Senate to prepare an official copy of this resolution for presentation to—

(A) The Ohio State University for appropriate display;

(B) the President of The Ohio State University, Dr. E. Gordon Gee; and

(C) the head coach of The Ohio State University football team, Mr. Jim Tressel.

SENATE RESOLUTION 654—HONORING THE LIFE AND RECOGNIZING THE ACCOMPLISHMENTS OF THE HONORABLE STEPHANIE TUBBS JONES, MEMBER OF THE HOUSE OF REPRESENTATIVES FOR THE 11TH CONGRESSIONAL DISTRICT OF OHIO

Mr. BROWN (for himself, Mr. VOINOVICH, and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 654

Whereas Stephanie Tubbs Jones was born on September 10, 1949, in Cleveland, Ohio, and attended Case Western Reserve University and the Franklin Thomas Backus School of Law;

Whereas, in 1982, at the age of 33, Stephanie Tubbs Jones was elected to serve on the Cleveland Municipal Court;

Whereas, in 1983, Stephanie Tubbs Jones became the first African-American woman to serve on the Court of Common Pleas in the State of Ohio;

Whereas Stephanie Tubbs Jones served as the Cuyahoga County Prosecutor from 1991 through 1999, becoming the first woman and the first African-American to hold the position;

Whereas, in 1998, Stephanie Tubbs Jones was elected to the first of 5 terms in the House of Representatives, where she was a tireless advocate for the citizens of Ohio's 11th Congressional District and championed increased access to health care, improved voting rights, and quality education for all;

Whereas Stephanie Tubbs Jones was the first African-American woman to represent the State of Ohio in Congress;

Whereas Ohio has lost a beloved daughter and the House of Representatives one of its strongest voices with the passing of Stephanie Tubbs Jones on August 20, 2008: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of the Honorable Stephanie Tubbs Jones and expresses its condolences to her family and friends and to the people of the 11th Congressional District of Ohio; and

(2) honors the life of Stephanie Tubbs Jones, a highly esteemed and accomplished Member of Congress, dedicated community leader, and tireless advocate for those in need.

SENATE CONCURRENT RESOLUTION
97—EXPRESSING THE
SENSE OF CONGRESS REGARDING
SEXUAL ASSAULTS AND
RAPE IN THE MILITARY

Mrs. CLINTON submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 97

Whereas, since 2002, 59,690 female veterans have reported being raped or sexually assaulted or experiencing another form of sexual trauma while in the military;

Whereas, according to the Department of Veterans Affairs, female veterans reporting rape, sexual assault, or other sexual trauma constitute almost 20 percent of the women seen at facilities of the Department nationwide;

Whereas 41 percent of female veterans treated at the West Los Angeles Medical Center of the Department of Veterans Affairs reported being sexually assaulted while in the military and 29 percent of such veterans reported being raped while in the military;

Whereas the number of reported sexual assaults and rapes in the military increased by 73 percent from 2004 to 2006, according to the Department of Defense;

Whereas 2,688 sexual assaults were reported in the military in fiscal year 2007, including 1,259 reports of rape, according to the Department of Defense;

Whereas the military chain of command took no action in almost half of the cases of sexual assault in the military investigated by military authorities, claiming insufficient evidence, and the majority of the cases in which some action was taken were resolved through nonjudicial punishment or administrative action, which in most cases amounts to little more than a slap on the wrist;

Whereas only 181 of the 2,212 subjects, or 8 percent, investigated by the military for sexual assault during fiscal year 2007 were referred to courts martial;

Whereas civilian law enforcement authorities prosecute approximately 40 percent of individuals arrested for rape, according to statistics of the Department of Justice and the Federal Bureau of Investigation;

Whereas the absence of aggressive prosecutions by the military perpetuates a hostile environment and hinders a victim's willingness to report a sexual assault or rape;

Whereas, in 2005, the Department of Defense created the Sexual Assault Prevention and Response Office, which serves as the single point of accountability and oversight for the policies of the Department relating to sexual assault;

Whereas the Sexual Assault Prevention and Response Office has improved reporting of sexual assault and rape, but still does not track investigations or prosecutions of reported cases; and

Whereas sexual assault and rape in the military are a threat to the national security of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Secretary of Defense should develop a comprehensive strategy to increase and encourage investigation and prosecution of sexual assault and rape cases in the military that includes—

(1) requiring commanders to be held accountable for sexual assaults and rapes that occur in the units under their command and to provide justification for disposing of cases through nonjudicial punishment and other administrative actions;

(2) developing and enhancing existing prevention and response programs by using proven best-practice methods to create a culture that prevents sexual assault and rape in the military and encourages more reporting of sexual assaults and rapes by victims;

(3) conducting more aggressive oversight of existing prevention and response programs, establishing performance metrics to ensure that such programs are effective, and analyzing trends in the prevention and reporting of sexual assaults and rapes;

(4) reviewing current training methods for all personnel involved in military investigations of sexual assault and rape cases, and for judge advocate staff, and implementing any improvements that are necessary;

(5) encouraging communication and data sharing between the Sexual Assault Prevention and Response Office and other components of the Armed Forces and the Department of Defense to enhance coordination and oversight of sexual assault and rape cases as those cases move through the legal process;

(6) reviewing the capacity of the legal infrastructure of the Armed Forces to investigate and prosecute effectively sexual assault cases in the military;

(7) examining any additional barriers, such as the availability of staff and the adequacy of resources, on military installations and facilities in the United States and abroad, and in theaters of operations, to conduct effective investigations of sexual assault and rape cases;

(8) reviewing command disposition of cases and identifying whether additional oversight is required to ensure that the resolution of cases through nonjudicial means is justified;

(9) classifying a military protection order as a standing military order to ensure that an investigation has occurred and appropriate command authorities have completely adjudicated allegations before the order can be overturned;

(10) establishing a policy that mandates the notification of any military protective order issued at a military installation to local civilian law enforcement agencies to provide the continuity of protection to victims; and

(11) ensuring that once a member of the Armed Forces has notified the member's command that the member has been sexually assaulted or raped, the command affords the member an opportunity for transfer if a military protection order is issued.

AMENDMENTS SUBMITTED AND
PROPOSED

SA 5339. Mr. ALEXANDER (for himself, Mr. BINGAMAN, Mr. VOINOVICH, Mr. KENNEDY, Ms. MURKOWSKI, Mr. BROWN, Mr. MCCONNELL, Mr. HARKIN, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5340. Mr. LUGAR (for himself, Mr. BIDEN, Mr. DURBIN, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5341. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5342. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5343. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5344. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5345. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5346. Mr. FEINGOLD (for himself, Mr. WHITEHOUSE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5347. Mr. FEINGOLD (for himself, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. LEAHY, Mr. WYDEN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5348. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5349. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5350. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5351. Mr. AKAKA (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5352. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5353. Mr. LEVIN (for himself, Mr. MCCAIN, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5354. Mr. BURR (for himself, Mrs. CLINTON, Mr. ALEXANDER, Mr. INHOFE, Mr. WICKER, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5355. Mr. GRAHAM (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5356. Mr. CHAMBLISS (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5357. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5358. Mr. ENSIGN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5359. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5360. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5361. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5362. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5363. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5364. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5365. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5366. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5367. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5368. Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. MCCAIN, Mr. MCCONNELL, Mr. ALEXANDER, Mr. ALLARD, Mr. BOND, Mr. BENNETT, Mr. BROWNBACK, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. ENSIGN, Mr. DOMENICI, Mr. ENZI, Mrs. HUTCHISON, Mr. ISAKSON, Mr. THUNE, Mr. INHOFE, Mr. KYL, Mr. WICKER, Mr. ROBERTS, Mr. CHAMBLISS, Mrs. DOLE, Mr. BURR, Mr. MARTINEZ, Mr. STEVENS, Mr. COBURN, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5369. Mr. WHITEHOUSE (for himself, Mrs. FEINSTEIN, Mr. ROCKEFELLER, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5370. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5371. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5372. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5373. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5374. Mr. REID (for Mr. BIDEN (for himself, Mr. KERRY, and Mr. HAGEL)) submitted

an amendment intended to be proposed by Mr. Reid to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5375. Mr. COLEMAN (for himself, Mrs. LINCOLN, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5376. Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5377. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5378. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5379. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5380. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5381. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5382. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5383. Mr. LAUTENBERG (for himself, Mr. CASEY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5384. Mr. LAUTENBERG (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5385. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5386. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5387. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5388. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5389. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5390. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5391. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5392. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5393. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5394. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5395. Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment in-

tended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5396. Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5397. Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5398. Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5399. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5400. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5401. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5402. Mr. BROWN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5403. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5404. Mrs. CLINTON (for herself and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5405. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5406. Mr. LEAHY (for himself, Mr. BOND, Mr. FEINGOLD, Mr. BROWN, Ms. KLOBUCHAR, Mr. HARKIN, Mr. JOHNSON, Mr. CASEY, Mr. BYRD, Mr. GRASSLEY, Mr. SMITH, Mr. CARDIN, Mr. CRAIG, Mr. WYDEN, Mr. ROCKEFELLER, and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5407. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5408. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5409. Mr. BROWN (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5410. Mr. HARKIN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5411. Mr. NELSON, of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5412. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5413. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5414. Mr. KYL (for himself, Mr. VITTER, Mr. INHOFE, Mr. MARTINEZ, Mr. WARNER, and Mr. LEVIN) proposed an amendment to the bill S. 3001, supra.

SA 5415. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5416. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5417. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5418. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5419. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5420. Mr. TESTER (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5421. Mr. REED (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5422. Mr. BAYH (for himself, Mr. SESSIONS, Mr. KENNEDY, Mrs. CLINTON, Mr. LIEBERMAN, Mr. OBAMA, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5423. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5424. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5425. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5426. Mr. LEVIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5427. Mrs. BOXER (for Mr. BAUCUS) proposed an amendment to the bill H.R. 6532, to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

SA 5428. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5429. Mr. NELSON, of Nebraska (for himself, Ms. COLLINS, and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5430. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5431. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5432. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5433. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5434. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5435. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5436. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5437. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5438. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5439. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5440. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5441. Mr. REID (for Mr. BIDEN (for himself and Mr. LUGAR)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5442. Mrs. MCCASKILL (for herself, Ms. MIKULSKI, and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5443. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5444. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5445. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5339. Mr. ALEXANDER (for himself, Mr. BINGAMAN, Mr. VOINOVICH, Mr. KENNEDY, Ms. MURKOWSKI, Mr. BROWN, Mr. McCONNELL, Mr. HARKIN, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

SECTION 3116. PAYMENT OF COMPENSATION TO SURVIVORS OF DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEES UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000.

(a) **SHORT TITLE.**—This section may be cited as the “Energy Employees Occupational Illness Compensation Program Improvement Act of 2008”.

(b) **PAYMENT OF COMPENSATION TO SURVIVORS OF DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEES.**—

(1) **IN GENERAL.**—Section 3672 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-1) is amended to read as follows:

“SEC. 3672. COMPENSATION TO BE PROVIDED.

“Subject to the other provisions of this subtitle:

“(1) **CONTRACTOR EMPLOYEES.**—

“(A) **IN GENERAL.**—A covered DOE contractor employee shall receive contractor employee compensation under this subtitle in accordance with section 3673.

“(B) **COMPENSATION AFTER DEATH OF CONTRACTOR EMPLOYEE.**—

“(i) **IN GENERAL.**—Except as provided in paragraph (2)(B), if the death of a contractor employee occurs after the employee applies for compensation under this subtitle but before such compensation is paid, the amount of compensation described in clause (ii) shall be paid to a survivor of the employee (for purposes of section 3674) or, if the employee has no such survivors, to the surviving family members of the employee in accordance with the procedures set forth in section 3628(e)(1).

“(ii) **AMOUNT OF COMPENSATION.**—The amount of compensation described in this clause is the amount of compensation the contractor employee would have received pursuant to section 3673(a), except that if the Secretary cannot determine the minimum impairment rating of the employee under paragraph (1) of such section as a result of the death of the employee, such compensation shall not include compensation pursuant to such paragraph.

“(2) **SURVIVORS.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B) or paragraph (1)(B), a survivor of a covered DOE contractor employee shall receive contractor employee compensation under this subtitle in accordance with section 3674.

“(B) **ELECTION OF CONTRACTOR EMPLOYEE COMPENSATION OR SURVIVOR COMPENSATION.**—A survivor who is otherwise eligible to receive compensation pursuant to both subparagraph (A) and paragraph (1)(B) shall not receive compensation pursuant to both subparagraph (A) and paragraph (1)(B), but shall receive compensation pursuant to subparagraph (A) or paragraph (1)(B), as elected by the survivor.

“(C) **COMPENSATION AFTER DEATH OF SURVIVOR.**—If the death of a survivor occurs after the survivor applies for compensation under this subtitle but before such compensation is paid and, in the case of compensation pursuant to paragraph (1)(B), there are no other survivors of the employee (for purposes of section 3674), the amount of compensation the survivor would have received under this section shall be paid to the surviving family members of the employee in accordance with the procedures set forth in section 3628(e)(1).”.

(2) **APPLICABILITY.**—The provisions of section 3672 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-1), as amended by paragraph (1), shall apply to applications for compensation under subtitle E of such Act filed before, on, or after the date of the enactment of this Act.

SA 5340. Mr. LUGAR (for himself, Mr. BIDEN, Mr. DURBIN, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**Subtitle E—Reconstruction and Stabilization
Civilian Management**

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the “Reconstruction and Stabilization Civilian Management Act of 2008”.

SEC. 1242. FINDINGS.

(a) FINDINGS.—Congress finds the following:

(1) In June 2004, the Office of the Coordinator for Reconstruction and Stabilization (referred to as the “Coordinator”) was established in the Department of State with the mandate to lead, coordinate, and institutionalize United States Government civilian capacity to prevent or prepare for post-conflict situations and help reconstruct and stabilize a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

(2) In December 2005, the Coordinator’s mandate was reaffirmed by the National Security Presidential Directive 44, which instructed the Secretary of State, and at the Secretary’s direction, the Coordinator, to coordinate and lead integrated United States Government efforts, involving all United States departments and agencies with relevant capabilities, to prepare, plan for, and conduct reconstruction and stabilization operations.

(3) National Security Presidential Directive 44 assigns to the Secretary, with the Coordinator’s assistance, the lead role to develop reconstruction and stabilization strategies, ensure civilian interagency program and policy coordination, coordinate interagency processes to identify countries at risk of instability, provide decision-makers with detailed options for an integrated United States Government response in connection with reconstruction and stabilization operations, and carry out a wide range of other actions, including the development of a civilian surge capacity to meet reconstruction and stabilization emergencies. The Secretary and the Coordinator are also charged with coordinating with the Department of Defense on reconstruction and stabilization responses, and integrating planning and implementing procedures.

(4) The Department of Defense issued Directive 3000.05, which establishes that stability operations are a core United States military mission that the Department of Defense must be prepared to conduct and support, provides guidance on stability operations that will evolve over time, and assigns responsibilities within the Department of Defense for planning, training, and preparing to conduct and support stability operations.

(5) The President’s Fiscal Year 2009 Budget Request to Congress includes, as part of the request for the Department of State and Other International Programs, \$248,600,000 for a Civilian Stabilization Initiative that would vastly improve civilian partnership with the Armed Forces in post-conflict stabilization situations, including by establishing an Active Response Corps of 250 persons, a Standby Response Corps of 2000 persons, and a Civilian Response Corps of 2000 persons.

SEC. 1243. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the United States Agency for International Development.

(2) AGENCY.—The term “agency” means any entity included in chapter 1 of title 5, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Affairs of the House of Representatives

and the Committee on Foreign Relations of the Senate.

(4) DEPARTMENT.—Except as otherwise provided in this subtitle, the term “Department” means the Department of State.

(5) PERSONNEL.—The term “personnel” means individuals serving in any service described in section 2101 of title 5, United States Code, other than in the legislative or judicial branch.

(6) SECRETARY.—The term “Secretary” means the Secretary of State.

SEC. 1244. AUTHORITY TO PROVIDE ASSISTANCE FOR RECONSTRUCTION AND STABILIZATION CRISES.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

“SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STABILIZATION CRISIS.

“(a) ASSISTANCE.—

“(1) IN GENERAL.—If the President determines that it is important to the national interests of the United States for United States civilian agencies or non-Federal employees to assist in stabilizing and reconstructing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to respond to the crisis using funds referred to in paragraph (2).

“(2) FUNDS.—The funds referred to in this paragraph are funds as follows:

“(A) Funds made available under this section.

“(B) Funds made available under other provisions of this Act and transferred or reprogrammed for purposes of this section.

“(b) SPECIAL AUTHORITIES.—In furtherance of a determination made under subsection (a), the President may exercise the authorities contained in sections 552(c)(2) and 610 without regard to the percentage and aggregate dollar limitations contained in such sections.”.

SEC. 1245. RECONSTRUCTION AND STABILIZATION.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

“SEC. 62. RECONSTRUCTION AND STABILIZATION.

“(a) OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—

“(1) ESTABLISHMENT.—There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

“(2) COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary.

“(3) FUNCTIONS.—The functions of the Office of the Coordinator for Reconstruction and Stabilization shall include the following:

“(A) Monitoring, in coordination with relevant bureaus and offices of the Department of State and the United States Agency for International Development (USAID), political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the reconstruction and stabilization of a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

“(B) Assessing the various types of reconstruction and stabilization crises that could occur and cataloging and monitoring the non-military resources and capabilities

of agencies (as such term is defined in section 1243 of the Reconstruction and Stabilization Civilian Management Act of 2008) that are available to address such crises.

“(C) Planning, in conjunction with USAID, to address requirements, such as demobilization, disarmament, rebuilding of civil society, policing, human rights monitoring, and public information, that commonly arise in reconstruction and stabilization crises.

“(D) Coordinating with relevant agencies to develop interagency contingency plans and procedures to mobilize and deploy civilian personnel and conduct reconstruction and stabilization operations to address the various types of such crises.

“(E) Entering into appropriate arrangements with agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2008.

“(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Civilian Reserve Corps established under subsection (b) or to otherwise participate in or contribute to reconstruction and stabilization activities.

“(G) Taking steps to ensure that training and education of civilian personnel to perform such reconstruction and stabilization activities is adequate and is carried out, as appropriate, with other agencies involved with stabilization operations.

“(H) Taking steps to ensure that plans for United States reconstruction and stabilization operations are coordinated with and complementary to reconstruction and stabilization activities of other governments and international and nongovernmental organizations, to improve effectiveness and avoid duplication.

“(I) Maintaining the capacity to field on short notice an evaluation team consisting of personnel from all relevant agencies to undertake on-site needs assessment.

“(b) RESPONSE READINESS CORPS.—

“(1) RESPONSE READINESS CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate agencies of the United States Government, may establish and maintain a Response Readiness Corps (referred to in this section as the ‘Corps’) to provide assistance in support of reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife. The Corps shall be composed of active and standby components consisting of United States Government personnel, including employees of the Department of State, the United States Agency for International Development, and other agencies who are recruited and trained (and employed in the case of the active component) to provide such assistance when deployed to do so by the Secretary to support the purposes of this Act.

“(2) CIVILIAN RESERVE CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development, may establish a Civilian Reserve Corps for which purpose the Secretary is authorized to employ and train individuals who have the skills necessary for carrying out reconstruction and stabilization activities, and who have volunteered for that purpose. The Secretary may deploy members of the Civilian Reserve Corps pursuant to a determination by the President under section 618 of the Foreign Assistance Act of 1961.

“(3) MITIGATION OF DOMESTIC IMPACT.—The establishment and deployment of any Civilian Reserve Corps shall be undertaken in a manner that will avoid substantively

impairing the capacity and readiness of any State and local governments from which Civilian Reserve Corps personnel may be drawn.

“(c) EXISTING TRAINING AND EDUCATION PROGRAMS.—The Secretary shall ensure that personnel of the Department, and, in coordination with the Administrator of USAID, that personnel of USAID, make use of the relevant existing training and education programs offered within the Government, such as those at the Center for Stabilization and Reconstruction Studies at the Naval Postgraduate School and the Interagency Training, Education, and After Action Review Program at the National Defense University.”.

SEC. 1246. AUTHORITIES RELATED TO PERSONNEL.

(a) EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.—The Secretary, or the head of any agency with respect to personnel of that agency, may extend to any individuals assigned, detailed, or deployed to carry out reconstruction and stabilization activities pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1245 of this Act), the benefits or privileges set forth in sections 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(b) AUTHORITY REGARDING DETAILS.—The Secretary is authorized to accept details or assignments of any personnel, and any employee of a State or local government, on a reimbursable or nonreimbursable basis for the purpose of carrying out this subtitle, and the head of any agency is authorized to detail or assign personnel of such agency on a reimbursable or nonreimbursable basis to the Department of State for purposes of section 62 of the State Department Basic Authorities Act of 1956, as added by section 1245 of this Act.

SEC. 1247. RECONSTRUCTION AND STABILIZATION STRATEGY.

(a) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall develop an interagency strategy to respond to reconstruction and stabilization operations.

(b) CONTENTS.—The strategy required under subsection (a) shall include the following:

(1) Identification of and efforts to improve the skills sets needed to respond to and support reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(2) Identification of specific agencies that can adequately satisfy the skills sets referred to in paragraph (1).

(3) Efforts to increase training of Federal civilian personnel to carry out reconstruction and stabilization activities.

(4) Efforts to develop a database of proven and best practices based on previous reconstruction and stabilization operations.

(5) A plan to coordinate the activities of agencies involved in reconstruction and stabilization operations.

SEC. 1248. ANNUAL REPORTS TO CONGRESS.

Not later than 180 days after the date of the enactment of this Act and annually for each of the five years thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of this subtitle. The report shall include detailed information on the following:

(1) Any steps taken to establish a Response Readiness Corps and a Civilian Re-

serve Corps, pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1245 of this Act).

(2) The structure, operations, and cost of the Response Readiness Corps and the Civilian Reserve Corps, if established.

(3) How the Response Readiness Corps and the Civilian Reserve Corps coordinate, interact, and work with other United States foreign assistance programs.

(4) An assessment of the impact that deployment of the Civilian Reserve Corps, if any, has had on the capacity and readiness of any domestic agencies or State and local governments from which Civilian Reserve Corps personnel are drawn.

(5) The reconstruction and stabilization strategy required by section 1247 and any annual updates to that strategy.

(6) Recommendations to improve implementation of subsection (b) of section 62 of the State Department Basic Authorities Act of 1956, including measures to enhance the recruitment and retention of an effective Civilian Reserve Corps.

(7) A description of anticipated costs associated with the development, annual sustainment, and deployment of the Civilian Reserve Corps.

SA 5341. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. PILOT PROGRAM ON PROVISION OF MOBILE CARE AND SERVICES TO VETERANS LIVING IN RURAL AREAS.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a program to assess the feasibility and advisability of providing care and services described in subsection (d) to veterans residing in rural areas through the mobile centers described in subsection (e).

(b) GENERAL ADMINISTRATION.—

(1) PRINCIPAL RESPONSIBILITY.—The Secretary shall carry out the pilot program through the Director of the Office of Rural Health of the Department of Veterans Affairs.

(2) CONSULTATION.—The pilot program shall be developed and carried out in consultation with the following:

(A) The Regional Director of Veterans Integrated Services Network (VISN) 23, in which mobile Department of Veterans Affairs clinics are currently in operation.

(B) The Director of the Office of Rural Health Policy of the Department of Health and Human Services.

(C) The agencies or offices for rural health in the States selected for participation in the pilot program.

(D) The country or local agencies or offices for rural health in the areas designated for the pilot program.

(c) LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out in not less than three Veterans Integrated Services Networks selected by the Secretary for the purposes of the pilot program.

(2) RURAL AREAS WITHIN VISNS.—The pilot program shall be carried out in one or more rural areas in each Veterans Integrated Services Network selected under paragraph (1) that are designated by the Secretary for

purposes of the pilot program in consultation with the Regional Director of such Veterans Integrated Services Network. In designating such areas, the Secretary shall take into account—

(A) the number of veterans residing in or near an area;

(B) the proximity of the nearest Department of Veterans Affairs medical facility; and

(C) the difficulty of access of such veterans to the nearest Department of Veterans Affairs medical facility, whether by reason of travel or other factors.

(d) CARE AND SERVICES PROVIDED.—The care and services provided under the pilot program may include, but not be limited to, care and services as follows:

(1) Counseling and education for veterans on accessing such health care, educational, pension, or other benefits for which veterans may be eligible under the laws administered by the Secretary of Veterans Affairs.

(2) Assistance for veterans in completing paperwork necessary for enrollment in the healthcare system of the Department of Veterans Affairs.

(3) The prescription for and delivery to veterans of medications for which veterans are entitled under such laws, including, in particular, medications for veterans suffering from acute or chronic injuries or illnesses.

(4) Mental health screenings for veterans to identify potential mental health disorders such as post-traumatic stress disorder (PTSD) or a substance abuse, including, in particular, for veterans recently discharged or released after service overseas in Operation Iraqi Freedom or Operation Enduring Freedom.

(5) Job placement assistance and information on employment or training opportunities for veterans.

(6) Substance abuse counseling for veterans.

(7) Bereavement counseling for families of members of the Armed Forces who were killed in military service.

(8) Such other care, services, and assistance as the Secretary considers appropriate for purposes of the pilot program.

(e) MOBILE CENTERS.—

(1) IN GENERAL.—Care and services under the pilot program shall be provided through mobile centers established for purposes of the pilot program that meets the requirements of this subsection.

(2) MOBILE CENTERS.—In carrying out the pilot program, the Secretary shall determine the most effective manner in which to operate the mobile centers.

(3) PERSONNEL AND MATERIALS.—In providing care and services under the pilot program, the mobile centers shall transport such personnel, equipment, forms, information, and other materiel as are necessary for the provision of care and services under the pilot program.

(f) COORDINATION REQUIREMENTS.—

(1) IDENTIFICATION OF VETERANS NOT ENROLLED IN VA HEALTH CARE SYSTEM.—In carrying out the pilot program, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly undertake action to identify veterans residing in areas designated for the pilot program who are not enrolled in, or otherwise being cared for by, the health care system of the Department of Veterans Affairs.

(2) COORDINATION WITH COUNTY AND LOCAL VETERANS SERVICE OFFICES.—In carrying out the pilot program, the Secretary of Veterans Affairs shall coordinate with county and local veterans service officers in areas designated for the pilot program.

(3) UTILIZATION OF COMMUNITY-BASED OUTPATIENT CLINICS.—The program shall, to the

extent practicable, utilize appropriate personnel and resources of community-based outpatient clinics of the Department of Veterans Affairs in areas designated for the pilot program, including the inclusion of such personnel in visits of the mobile centers under subsection (e).

(g) **TERMINATION.**—The authority to carry out a pilot program under this section shall terminate on the date that is three years after the date of the enactment of this section.

(h) **REPORTS.**—Not later than one year after the commencement of the pilot program, and every 180 days thereafter, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the pilot program. Each report shall include the following:

(1) A description and assessment of the pilot program.

(2) An assessment, current as of the date of such report, of the effectiveness of the pilot program in providing care and services to veterans residing in rural areas, including a comparative assessment of effectiveness for each of the various areas designated for the pilot program.

(3) An assessment, current as of the date of such report, of the effectiveness of the coordination described in subsection (f) in contributing toward the effectiveness of the pilot program.

(4) Such recommendations as the Secretary considers appropriate for modifications of the pilot program in order to better provide care and services to veterans residing in rural areas.

SA 5342. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. FULL ACCESS TO MENTAL HEALTH CARE FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.

(a) **INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.**—

(1) **IN GENERAL.**—The Secretary of Defense shall undertake an initiative intended to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) **ELEMENTS.**—The initiative shall include the following:

(A) Programs and activities to educate the family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Requirements for mental health counselors at military installations in communities with large numbers of mobilized members of the National Guard and Reserve to expand the reach of their counseling activities to include families of such members in such communities.

(b) **MENTAL HEALTH CARE UNDER TRICARE.**—

(1) **IN GENERAL.**—Under such regulations as the Secretary of Defense shall prescribe, reimbursement shall be provided under the TRICARE program under chapter 55 of title 10, United States Code, for mental health care that is provided to a family member of a covered member of the National Guard or Reserve during the period of deployment of such covered member of the National Guard or Reserve as described in paragraph (2).

(2) **COVERED MEMBERS OF THE NATIONAL GUARD OR RESERVE.**—For purposes of this subsection, a covered member of the National Guard or Reserve is any member of the National Guard or Reserve on active duty for more than 30 days for a deployment in connection with Operation Iraqi Freedom, Operation Enduring Freedom, or other operation that requires deployment overseas who, while so on active duty, is covered by the TRICARE program on a for self and family basis.

(3) **EFFECTIVE DATE.**—This subsection shall take effect on January 1, 2009.

(c) **REPORTS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) **ELEMENTS.**—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed at State-accredited treatment centers.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

SA 5343. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 834. INTEGRITY AND BUSINESS ETHICS REQUIREMENTS FOR FEDERAL CONTRACTORS.

(a) **DEFENSE CONTRACTORS.**—

(1) **IN GENERAL.**—Chapter 137 of title 10, United States Code, is amended by inserting after section 2305a the following new section:

“§ 2305b. Satisfactory record of integrity and business ethics

“(a) **IN GENERAL.**—No prospective contractor may be awarded a contract with an agency under this title unless the contracting officer for the contract determines that such prospective contractor has a satisfactory record of integrity and business ethics, including satisfactory compliance with

the law (including tax, labor and employment, environmental, antitrust, and consumer protection laws).

“(b) **INFORMATION TO BE CONSIDERED.**—In making a determination as to whether a prospective contractor has a satisfactory record of integrity and business ethics, a contracting officer—

“(1) shall consider all relevant credible information, but shall give the greatest weight to violations of law that have been adjudicated within the last 5 years preceding the offer;

“(2) shall give consideration to any administrative agreements entered into with the prospective contractor if the prospective contractor has taken corrective action after disclosing a violation of law, and may consider such a contractor to be a responsible contractor if the contractor has corrected the conditions that led to the misconduct;

“(3) shall consider failure to comply with the terms of an administrative agreement as evidence of a lack of integrity and business ethics under this section;

“(4) shall consider in descending order of importance—

“(A) convictions of and civil judgments rendered against the prospective contractor for—

“(i) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public Federal, State, or local contract or subcontract;

“(ii) violation of Federal or State antitrust law relating to the submission of offers; or

“(iii) commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statement, tax evasion, or receiving stolen property; and

“(B) relative to tax, labor and employment, environmental, antitrust, and consumer protection laws—

“(i) Federal or State felony convictions;

“(ii) adverse Federal court judgments in civil cases brought by the United States;

“(iii) adverse decisions by a Federal administrative law judge, board, or commission indicating violations of law;

“(iv) Federal or State felony indictments; and

“(v) any other civil judgment rendered against the prospective contractor; and

“(5) may consider other relevant information, such as civil or administrative complaints or similar actions filed by or on behalf of a Federal agency, board, or commission, if such action reflects an adjudicated determination by the agency.

“(c) **REPEATED VIOLATIONS OF LAW.**—A single violation of law normally should not give rise to a determination that the prospective contractor has an unsatisfactory record of integrity and business ethics, but evidence of repeated, pervasive, or significant violations of the law may indicate an unsatisfactory record of integrity and business ethics.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2305a the following new item:

“2305b. Satisfactory record of integrity and business ethics.”.

(b) **CIVILIAN CONTRACTORS.**—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303M the following new section:

“SEC. 303N. SATISFACTORY RECORD OF INTEGRITY AND BUSINESS ETHICS.

“(a) **IN GENERAL.**—No prospective contractor may be awarded a contract with an executive agency unless the contracting officer for the contract determines that such prospective contractor has a satisfactory record of integrity and business ethics, including satisfactory compliance with the law

(including tax, labor and employment, environmental, antitrust, and consumer protection laws).

“(b) INFORMATION TO BE CONSIDERED.—In making a determination as to whether a prospective contractor has a satisfactory record of integrity and business ethics, a contracting officer—

“(1) shall consider all relevant credible information, but shall give the greatest weight to violations of law that have been adjudicated within the last 5 years preceding the offer;

“(2) shall give consideration to any administrative agreements entered into with the prospective contractor if the prospective contractor has taken corrective action after disclosing a violation of law, and may consider such a contractor to be a responsible contractor if the contractor has corrected the conditions that led to the misconduct;

“(3) shall consider failure to comply with the terms of an administrative agreement as evidence of a lack of integrity and business ethics under this section;

“(4) shall consider in descending order of importance—

“(A) convictions of and civil judgments rendered against the prospective contractor for—

“(i) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public Federal, State, or local contract or subcontract;

“(ii) violation of Federal or State antitrust law relating to the submission of offers; or

“(iii) commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statement, tax evasion, or receiving stolen property; and

“(B) relative to tax, labor and employment, environmental, antitrust, or consumer protection laws—

“(i) Federal or State felony convictions;

“(ii) adverse Federal court judgments in civil cases brought by the United States;

“(iii) adverse decisions by a Federal administrative law judge, board, or commission indicating violations of law; and

“(iv) Federal or State felony indictments; and

“(5) may consider other relevant information, such as civil or administrative complaints or similar actions filed by or on behalf of an executive agency, board, or commission, if such action reflects an adjudicated determination by the agency.

“(c) REPEATED VIOLATIONS OF LAW.—A single violation of law normally should not give rise to a determination that the prospective contractor has an unsatisfactory record of integrity and business ethics, but evidence of repeated, pervasive, or significant violations of the law may indicate an unsatisfactory record of integrity and business ethics.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contracts for which solicitations are issued after the date of the enactment of this Act.

SA 5344. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: At the end of subtitle G of title X, add the following:

SEC. 1083. SENSE OF THE SENATE.

(a) IN GENERAL.—It is the sense of the Senate that the United States Government

should not award any Federal contracts, grants, or loans to any offshore secrecy jurisdiction company.

(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) CONTRACT.—

(A) IN GENERAL.—The term “contract” means a binding agreement entered into by an Executive agency for the purpose of obtaining property or services, but does not include—

(i) a contract designated by the head of the agency as assisting the agency in the performance of disaster relief authorities; or

(ii) a contract designated by the head of the agency as necessary to the national security of the United States.

(B) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) OFFSHORE SECRECY JURISDICTION COMPANY.—

(A) IN GENERAL.—The term “offshore secrecy jurisdiction company” means any person which the Commissioner of Internal Revenue determines that for the purpose of avoiding Federal tax obligations—

(i) is organized in an offshore secrecy jurisdiction; or

(ii) is a member of a domestically controlled group of entities any member of which is organized in an offshore secrecy jurisdiction.

(B) OFFSHORE SECRECY JURISDICTION.—

(i) IN GENERAL.—The term “offshore secrecy jurisdiction” means any foreign jurisdiction which is listed by the Secretary as an offshore secrecy jurisdiction for purposes of this section.

(ii) DETERMINATION OF JURISDICTIONS ON LIST.—A jurisdiction shall be listed under clause (i) if the Secretary determines that such jurisdiction has corporate, business, bank, or tax secrecy rules and practices which, in the judgment of the Secretary, unreasonably restrict the ability of the United States to obtain information relevant to the enforcement of the Internal Revenue Code of 1986, unless the Secretary also determines that such country has effective information exchange practices.

(iii) SECRECY OR CONFIDENTIALITY RULES AND PRACTICES.—For purposes of clause (ii), corporate, business, bank, or tax secrecy or confidentiality rules and practices include both formal laws and regulations and informal government or business practices having the effect of inhibiting access of law enforcement and tax administration authorities to beneficial ownership and other financial information.

(iv) INEFFECTIVE INFORMATION EXCHANGE PRACTICES.—For purposes of clause (ii), a jurisdiction shall be deemed to have ineffective information exchange practices unless the Secretary determines, on an annual basis, that—

(I) such jurisdiction has in effect a treaty or other information exchange agreement with the United States that provides for the prompt, obligatory, and automatic exchange of such information as is foreseeably relevant for carrying out the provisions of the treaty or agreement or the administration or enforcement of such Code,

(II) during the 12-month period preceding the annual determination, the exchange of information between the United States and such jurisdiction was in practice adequate to prevent evasion or avoidance of United States income tax by United States persons and to enable the United States effectively to enforce such Code, and

(III) during the 12-month period preceding the annual determination, such jurisdiction was not identified by an intergovernmental group or organization of which the United

States is a member as uncooperative with international tax enforcement or information exchange and the United States concurs in such identification.

(C) DOMESTICALLY CONTROLLED GROUP OF ENTITIES.—

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

(ii) CONTROLLED GROUP OF ENTITIES.—The term “controlled group of entities” means a controlled group of corporations as defined in section 1563(a)(1) of the Internal Revenue Code of 1986, except that—

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

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

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

(D) PERSON.—The term “person” means—

(i) a corporation; or

(ii) a partnership or any other entity (other than a corporation).

(E) SECRETARY.—The term “Secretary” means the Secretary of the Treasury or the Secretary’s delegate.

SA 5345. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 834. AWARD FEES.

(a) LINKAGE OF AWARD FEES TO SUCCESSFUL ACQUISITION OUTCOMES.—Every contract entered into by an executive agency that provides for award fees shall link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

(b) PROHIBITION ON AWARD OF UNWARRANTED AWARD FEES.—The head of an executive agency may not—

(1) award a bonus or other incentive payment to a contractor for work the contractor did not perform or with respect to which the contractor received a poor performance rating; or

(2) provide to a contractor award fees unless the contractor, to the extent reasonably within the control of the contractor, achieved the successful acquisition outcome to which such fees were linked under the contract.

SA 5346. Mr. FEINGOLD (for himself, Mr. WHITEHOUSE, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVI, add the following:
SEC. 1617. MORATORIUM ON THE DEPLOYMENT OF THE UNITED STATES ARMED FORCES TO IRAQ.

(a) **MORATORIUM.**—Effective as of the date of the enactment of this Act, no member or unit of the Armed Forces may be deployed to Iraq before March 31, 2009.

(b) **LIMITATION AND REQUIREMENT.**—The Secretary of Defense shall—

(1) not extend the deployment to Iraq of any unit or member of the Armed Forces that is deployed to Iraq as of the date of the enactment of this Act; and

(2) take all necessary and appropriate measures to protect United States personnel in Iraq.

(c) **EXCEPTION.**—A member of the Armed Forces may be deployed to Iraq for the purpose of providing services to United States personnel in Iraq without regard to the moratorium in subsection (a) or the limitation in subsection (b)(1) if the Secretary of Defense certifies to Congress that the member—

(1) has an essential, specialized, noncombat skill (such as a medical, linguistic, or explosive ordnance removal skill); and

(2) will replace in Iraq a member with such skill who is returning from Iraq.

SA 5347. Mr. FEINGOLD (for himself, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. LEAHY, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1041. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) **TRANSITION OF MISSION.**—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) **COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.**—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) **USE OF FUNDS.**—No funds authorized to be appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after the date that is nine months after the date of the enactment of this Act.

(d) **EXCEPTION FOR LIMITED AND TEMPORARY PURPOSES.**—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, pro-

vided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

SA 5348. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 546. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

Section 8003(a)(2)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(2)(C)(i)) is amended by striking “6,500” and inserting “5,000”.

SA 5349. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. ELECTRONIC DATABASE OF INFORMATION ON THE INCIDENCE OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES.

(a) **DATABASE REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, acting through the Assistant Secretary of Defense for Health Affairs and in coordination with the Secretaries of the military departments, establish and maintain an electronic database on the incidence of suicide and attempted suicide among members of the Armed Forces on active duty, including the information specified in subsection (c).

(b) **COVERAGE OF DEMOBILIZED MEMBERS OF RESERVE COMPONENTS.**—To the extent practicable, the members of the Armed Forces covered by the database required under subsection (a) shall include members of the National Guard and Reserve who are demobilized from active duty during the 720-day period beginning on the date of their demobilization.

(c) **INFORMATION.**—The information to be included in the database required by subsection (a) shall include, to the extent practicable, the following:

(1) For each Armed Force—
 (A) the number of members on active duty who have attempted suicide; and

(B) the number of members on active duty who have committed suicide.

(2) For each member who commits or attempts suicide, the following:

(A) The sex of the member.
 (B) The race or ethnicity of the member.
 (C) The Armed Force of the member.

(D) The grade, military occupational specialty, duty status, and duty location of the member at the time of the completion or attempt.

(E) The physical location of the member at the time of the completion or attempt.

(F) A description of any combat experience of the member, including the location of such experience, the intensity and duration of such experience, and the time between the last such experience and the attempt.

(G) The highest level of education achieved by the member.

(H) Any mental health condition, including Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), or substance use disorder, diagnosed or otherwise detected in the member.

(I) A description of any previous psychological care or treatment received by the member for a condition under subparagraph (H) or another mental health condition.

(J) A description of any family history of the member of mental illness, suicide, or both.

(K) A description of any physical or sexual abuse suffered by the member.

(L) A description of any recent marital or other relationship difficulties of the member.

(M) A description of any recent disciplinary actions taken against the member.

(N) A description of any recent legal difficulties of the member.

(O) A description of any recent financial or employment difficulties of the member.

(P) A description of any prior communications of suicidal intent by the member.

(3) Such other information as the Secretary considers appropriate for purposes of the database.

(d) **SEPARATE INFORMATION ON EACH ATTEMPT.**—Each attempted suicide of a member of the Armed Forces (whether or not completed) shall be treated as a separate attempt at suicide for purposes of subsection (c)(2).

(e) **UPDATES.**—The database required by subsection (a) shall be updated on a continuing basis.

(f) **REPORTS.**—

(1) **REPORTS TO CONGRESS.**—Not later than 90 days after the establishment of the database required by subsection (a), and every 180 days thereafter, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the following:

(A) Aggregated data on the incidence of suicide among members of the Armed Forces on active duty.

(B) An assessment of recent trends in suicides and attempted suicides among members of the Armed Forces on active duty.

(2) **AVAILABILITY TO PUBLIC.**—Each report under paragraph (1) shall be made available to the public through the Internet website of the Assistant Secretary of Defense for Health Affairs that is available to the public.

(3) **PROTECTION OF PERSONAL INFORMATION.**—The information in any report under paragraph (1) shall not include any personal information or personally-identifying information on any member of the Armed Forces covered by the database.

(g) **CONSTRUCTION WITH OTHER REQUIREMENTS.**—The requirements of this section are in addition to the requirements of section 581.

SA 5350. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 714. REDUCTION OF MINIMUM DISTANCE OF MINIMUM DISTANCE OF TRAVEL FOR REIMBURSEMENT OF COVERED BENEFICIARIES FOR TRAVEL FOR SPECIALTY HEALTH CARE.

(a) REDUCTION.—Section 1074i(a) of title 10, United States Code, is amended by striking “100 miles” and inserting “50 miles”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to referrals for specialty health care made on or after that date.

SA 5351. Mr. AKAKA (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 303, between lines 3 and 4, insert the following:

SEC. 1056. REPORTS ON INFORMATION TECHNOLOGY STRATEGY AND SECURITY CLEARANCE REVIEW PROCESSES.

(a) REPORT ON INFORMATION TECHNOLOGY STRATEGY.—

(1) REQUIREMENT FOR REPORT.—Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a report describing the plans to provide security reform by carrying out the Enterprise Information Technology Strategy referred to in the Initial Report of the Joint Security and Suitability Reform Team, dated April 30, 2008.

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a description of any efforts of the Department of Defense, the Office of Personnel Management, or the Office of the Director of National Intelligence to carry out the plans referred to in paragraph (1), including such efforts carried out with other agencies or departments;

(B) a description of any of the plans referred to in paragraph (1) that will not be carried out and a description of the reasons that such plans will not be carried out;

(C) the plans of each such Department or Office to develop, implement, fund, and provide personnel to carry out the plans referred to in paragraph (1); and

(D) a description of the schedule for carrying out the plans referred to in paragraph (1).

(b) REPORTS ON SECURITY CLEARANCE REVIEW PROCESSES.—Paragraph (2) of section 3001(h) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(h)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by striking subparagraph (A) and inserting the following:

“(A) a description of the average period of time required by each authorized investigative agency and authorized adjudicative agency to respond to a request for a security clearance for an individual, including the average period required to conduct a security clearance investigation, adjudicate such a request, and make a final determination on such a request, from date of submission to ultimate disposition and notification to the subject and the subject’s employer, disaggregated by—

“(i) the type of security clearance, including Secret, Top Secret, and Top Secret with Special Access Program access including sensitive compartmented information;

“(ii) the period of time required for the investigation of an individual seeking the security clearance and for the adjudication of the request; and

“(iii) the proposed recipients of security clearances, including civilian employees of the United States, members of the Armed Forces, and contractors working for the Government of the United States;

“(B) a description of the average period of time required by each authorized investigative agency and each authorized adjudicative agency to conduct an investigation for a suitability determination from successful submission of an application to ultimate disposition and notification to the subject, disaggregated by—

“(i) the type of suitability determination, including suitability for Federal employment, access to Federal facilities, and access to Federal information systems;

“(ii) the period of time required for the investigation of an individual seeking the suitability determination and the adjudication of the request; and

“(iii) the category of employment of the individual for which the suitability determination was made, including civilian employees of the United States and contractors working for the Government of the United States.”.

SA 5352. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 241, beginning on line 2, strike “and” and all that follows through the period at the end of line 6 and insert the following:

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Deputy Chief Management Officer of the Department of Defense.”; and

(3) by striking paragraph (7), as redesignated by paragraph (1), and inserting the following new paragraph:

“(7) The Chief Management Officers of the military departments and the heads of such Defense Agencies as may be designated by the Secretary of Defense.”.

SA 5353. Mr. LEVIN (for himself, Mr. MCCAIN, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. DIRECTOR OF INDEPENDENT COST ASSESSMENT.

(a) DIRECTOR OF INDEPENDENT COST ASSESSMENT.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 139a the following new section:

“§ 139b. Director of Independent Cost Assessment

“(a) There is a Director of Independent Cost Assessment in the Department of Defense, appointed by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the Director. The Director may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

“(b) The Director is the principal advisor to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Under Secretary of Defense (Comptroller) on cost estimation and cost analyses for the acquisition programs of the Department of Defense and the principal cost estimation official within the senior management of the Department of Defense. The Director shall—

“(1) prescribe, by authority of the Secretary of Defense, policies and procedures for the conduct of cost estimation and cost analysis for the acquisition programs of the Department of Defense;

“(2) provide guidance to and consult with the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and the Secretaries of the military departments with respect to cost estimation in the Department of Defense in general and with respect to specific cost estimates and cost analyses to be conducted in connection with a major defense acquisition program under chapter 144 of this title or a major automated information system program under chapter 144A of this title;

“(3) monitor and review all cost estimates and cost analyses conducted in connection with major defense acquisition programs and major automated information system programs;

“(4) conduct independent cost estimates and cost analyses for major defense acquisition programs and major automated information system programs when necessary to ensure that such estimates and analyses are unbiased, fair, and reliable; and

“(5) review and make recommendations to the Secretary of Defense on all budgetary and financial matters relating to cost estimation and cost analysis for the acquisition programs of the Department of Defense, including the personnel required to perform such estimates and analyses.

“(c)(1) The Director may communicate views on matters within the responsibility of the Director directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

“(2) The Director shall consult closely with, but the Director and the Director’s staff shall be independent of, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and all other officers and entities of the Department of Defense responsible for acquisition and budgeting.

“(d)(1) The Secretary of a military department shall report promptly to the Director the results of all cost estimates and cost analyses conducted by the military department and all studies conducted by the military department in connection with cost estimates and cost analyses for major defense acquisition programs of the military department.

“(2) The Director may make comments on cost estimates and cost analyses conducted by a military department for a major defense

acquisition program, request changes in such cost estimates and cost analyses to ensure that they are fair and reliable, and develop or require the development of independent cost estimates or cost analyses for such program, as the Director determines to be appropriate.

“(3) The Director shall have access to any records and data in the Department of Defense (including the records and data of each military department) that the Director considers necessary to review in order to carry out the Director’s duties under this section.

“(e) The Director shall prepare an annual report summarizing the cost estimation and cost analysis activities of the Department of Defense during the previous year. Each such report shall be submitted concurrently to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and Congress not later than 10 days after the transmission of the budget for the next fiscal year under section 1105 of title 31. The Secretary may comment on any report of the Director to Congress under this subsection.

“(f) The President shall include in the budget transmitted to Congress pursuant to section 1105 of title 31 for each fiscal year a separate statement of estimated expenditures and proposed appropriations for that fiscal year for the Director of Independent Cost Assessment in carrying out the duties and responsibilities of the Director under this section.

“(g) The Secretary of Defense shall ensure that the Director has sufficient professional staff of military and civilian personnel to enable the Director to carry out the duties and responsibilities of the Director under this section.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by inserting after the item relating to section 139a the following new item:

“139b. Director of Independent Cost Assessment.”.

(b) TRANSFER OF CERTAIN PERSONNEL AND FUNCTIONS.—The personnel and functions of the following entities of the Department of Defense are hereby transferred to the Director of Independent Cost Assessment under section 139b of title 10, United States Code (as added by subsection (a)), and shall report directly to the Director:

(1) The Cost Analysis Improvement Group.

(2) The cost estimation functions of the Director of Program Analysis and Evaluation.

(c) CONFORMING AMENDMENTS.—

(1) Section 2306b(i)(1)(B) of title 10, United States Code, is amended by striking “Cost Analysis Improvement Group of the Department of Defense” and inserting “Director of Independent Cost Assessment”.

(2) Section 2366a(a)(1)(C) of such title is amended by striking “have been developed to execute” and inserting “have been approved by the Director of Independent Cost Assessment to provide for the execution of”.

(3) Section 2366b(a)(4) of such title is amended by striking “has been submitted” and inserting “has been approved by the Director of Independent Cost Assessment”.

(4) Section 2433(e)(2)(B)(iii) of such title is amended by striking “are reasonable” and inserting “have been determined by the Director of Independent Cost Assessment to be reasonable”.

(5) Subparagraph (A) of section 2434(b)(1) of such title is amended to read as follows:

“(A) be prepared or approved by the Director of Independent Cost Assessment; and”.

(6) Section 2445c(f)(3) of such title is amended by striking “are reasonable” and inserting “have been determined by the Di-

rector of Independent Cost Assessment to be reasonable”.

SA 5354. Mr. BURR (for himself, Mrs. CLINTON, Mr. ALEXANDER, Mr. INHOFE, Mr. WICKER, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. ACCEPTANCE BY COMMANDERS OF WOUNDED WARRIOR BATTALIONS OF CHARITABLE GIFTS ON BEHALF OF WOUNDED MEMBERS OF THE ARMED FORCES ASSIGNED TO SUCH BATTALIONS.

(a) IN GENERAL.—Section 2601(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2)(A) Under regulations prescribed by the Secretary of Defense, the commander in grade O-5 or higher of a unit comprised exclusively of members of the armed forces described in paragraph (1)(B) (as determined without taking into account members of such unit performing command or administrative duties with respect to such unit) may accept, hold, administer, and spend gifts, devises, or bequests of personal property, money, or services for the benefit of the members of the armed forces described in paragraph (1)(B) which comprise such unit.

“(B)(i) Except as provided in clause (ii), the amount of any gift, devise, or bequest accepted by the commander of a unit under subparagraph (A) may not exceed \$100,000.

“(ii) The amount a gift, devise, or bequest accepted by the commander of a unit under subparagraph (A) may exceed \$100,000 under such circumstances, if any, as the Secretary of Defense may specify in the regulations prescribed under this paragraph.”.

(b) REPORT ON UTILIZATION OF AUTHORITIES.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the utilization of the authorities provided in paragraph (2) of section 2601(b) of title 10, United States Code (as amended by subsection (a)). The report shall include the following:

(1) A description of the authorities in paragraph (2) of section 2601(b) of title 10, United States Code (as so amended), including a description of any limitations on such authorities under the regulations required by that paragraph.

(2) A description of the gifts, devises, and bequests accepted under such authorities, and of the administration and use of any gifts, devises, and bequests so accepted.

(3) An assessment of the utility of such authorities in assisting commanders of wounded warrior battalions in carrying out the mission of such battalions with respect to members of the Armed Forces assigned to such battalions.

SA 5355. Mr. GRAHAM (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 3001 to authorize appropriations for fiscal year 2009 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1041. HABEAS CORPUS REVIEW FOR CERTAIN ENEMY COMBATANTS.

(a) SHORT TITLE.—This section may be cited as the “Enemy Combatant Detention Review Act of 2008”.

(b) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by striking section 2256, as added by section 250 of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2672), and inserting the following:

“§2256. Habeas corpus review for certain enemy combatants

“(a) DEFINITIONS.—In this section—

“(1) the term ‘attorney for the Government’ means the attorney representing the United States in a habeas corpus proceeding under this section;

“(2) the term ‘covered individual’ means an individual who—

“(A) has been determined by a Combatant Status Review Tribunal to be an enemy combatant (pursuant to the definition employed by that tribunal) or is awaiting the determination of such a tribunal;

“(B) is in the custody of the United States at Guantanamo Bay, Cuba on or after the date of the enactment of the Enemy Combatant Detention Review Act of 2008; and

“(C) is not a citizen of the United States or an alien admitted for permanent residence in the United States; and

“(3) the term ‘enemy combatant’ means a person who has engaged in hostilities or who has purposefully and materially supported hostilities against the United States or its cobelligerents on behalf of the Taliban, al Qaeda, or associated forces.

“(b) STATEMENT OF AUTHORITY.—

“(1) IN GENERAL.—Congress reaffirms that the United States is in an armed conflict with al Qaeda, the Taliban, and associated forces and that those entities continue to pose a threat to the United States and its citizens, both domestically and abroad.

“(2) AUTHORITY.—Congress reaffirms that the President is authorized to detain enemy combatants in connection with the continuing armed conflict with al Qaeda, the Taliban, and associated forces, regardless of the place of capture, until the termination of hostilities.

“(3) RULE OF CONSTRUCTION.—The authority under this section shall not be construed to alter or limit the authority of the President under the Constitution of the United States to detain combatants in the continuing armed conflict with al Qaeda, the Taliban, and associated forces, or in any other armed conflict.

“(c) JURISDICTION AND VENUE.—

“(1) IN GENERAL.—The United States District Court for the District of Columbia (in this section referred to as the ‘District Court’) shall have exclusive jurisdiction of, and shall be the exclusive venue for consideration of, all applications for habeas corpus by or on behalf of any covered individual that is pending on or filed on or after the date of the enactment of the Enemy Combatant Detention Review Act of 2008.

“(2) SCOPE OF JURISDICTION.—An application for habeas corpus filed under paragraph (1) by or on behalf of a covered individual—

“(A) may challenge the legality of the continued detention of the covered individual; and

“(B) may not include any other claim relating to the detention, transfer, treatment,

trial, or conditions of confinement of the covered individual or any other action against the United States or its agents.

“(3) CONSOLIDATED MOTIONS PRACTICE.—All applications for a writ of habeas corpus by or on behalf of a covered individual that are pending on or after the date of the enactment of the Enemy Combatant Detention Review Act of 2008 shall be consolidated before the Chief Judge of the District Court or a designee of the Chief Judge for consolidated proceedings and determinations on common questions of fact or law, including questions concerning the procedures to be conducted on the applications.

“(4) TRANSFER.—Consistent with section 1403(a) of this title, any court of the United States shall transfer a case within the exclusive jurisdiction of the District Court.

“(d) PROCEDURES.—

“(1) STATUS OF COVERED INDIVIDUAL.—

“(A) IN GENERAL.—In a proceeding instituted by an application for habeas corpus by or on behalf of a covered individual under subsection (c)(1), the burden shall be on the Government to submit a return in the form of a written declaration describing the factual basis upon which the Government is detaining the covered individual. Any evidence relied upon by the Government in its declaration shall be subject to a rebuttable presumption with respect to the competency and authenticity of such evidence.

“(B) PRESUMPTION.—Upon a determination that the Government's return shows credible evidence that the covered individual is an enemy combatant, there shall be a rebuttable presumption that the covered individual is an enemy combatant. The covered individual shall have the burden of rebutting the presumption that the covered individual is an enemy combatant by a showing of more persuasive evidence. The covered individual shall present such evidence in the form of a written declaration.

“(C) REBUTTAL OF PRESUMPTION.—If a covered individual presents evidence sufficient to rebut the presumption under subparagraph (B), the District Court may hold an evidentiary hearing on any disputed matter. In a hearing under this subparagraph, the court shall hear evidence and make findings of fact by a preponderance of the evidence.

“(2) DISCOVERY.—

“(A) SCOPE OF DISCOVERY.—Subject to subparagraph (B), a covered individual may request from the Government as the discovery relating to a habeas corpus proceeding under this section, and if requested by a covered individual, the Government shall provide—

“(i) any documents or objects directly and specifically referenced in the return submitted by the Government;

“(ii) any evidence known to the attorney for the Government that tends materially to undermine evidence presented in the return submitted by the Government;

“(iii) all statements, whether oral, written, or recorded, made or adopted by the covered individual that are known to the attorney for the Government and directly related to the information in the return submitted by the Government.

“(B) PROTECTION OF NATIONAL SECURITY INFORMATION.—

“(i) GENERALLY.—Classified information shall be protected and is privileged from disclosure in habeas corpus proceedings relating to a covered individual. The rule under this subparagraph applies to all stages of any proceeding relating to an application for habeas corpus filed under subsection (c)(1).

“(ii) SUBSTITUTE.—If any information described in subparagraph (A) is classified, the attorney for the Government shall either—

“(I) provide the covered individual with an adequate substitute, to the extent prac-

ticable and consistent with national security; or

“(II) make the classified information available to properly cleared counsel for the covered individual.

“(iii) NONDISCLOSURE OF CLASSIFIED INFORMATION.—Under no circumstances shall the Government be required to provide a covered individual, or any other person detained as an enemy combatant, with access to classified information as part of a habeas corpus proceeding under this section.

“(iv) SOURCES AND METHODS.—The Government shall not be required to disclose to anyone outside the Government the classified sources, methods, or activities by which the Government acquired information described in subparagraph (A). The District Court may require the Government to present, to the extent practicable and consistent with national security, an unclassified summary of the sources, methods, or activities by which the Government acquired such information.

“(v) ORDER.—Upon motion of the Government, the District Court shall issue an order to protect against the disclosure of any classified information.

“(vi) EX PARTE AND IN CAMERA REVIEW.—If the Government seeks to protect classified information from disclosure pursuant to the protections of this subparagraph, the court may review the Government's submission ex parte and in camera.

“(vii) INTERLOCUTORY APPEAL.—The Government may take an interlocutory appeal from a decision of the District Court relating to the disclosure of classified information subject to the same expedited procedures that would apply to such an appeal pursuant to section 7 of the Classified Information Procedures Act (18 U.S.C. App.).

“(3) WITNESS PRODUCTION.—

“(A) IN GENERAL.—To the maximum extent possible, habeas corpus proceedings shall be decided on the basis of a written return and a written declaration. The rules concerning the admissibility of evidence in civil or criminal trials shall not apply to the presentation and consideration of information at any evidentiary hearing under this section. The District Court may consider any reliable and probative evidence, including hearsay from military, intelligence, and law enforcement sources.

“(B) BASIS FOR IN-PERSON TESTIMONY.—The District Court may grant a motion for oral testimony relating to an evidentiary hearing pursuant to paragraph (1)(C) only if the court finds by clear and convincing evidence that military and intelligence operations would not be harmed by the production of the witness and oral testimony would be likely to provide a material benefit to the resolution by the court of the disputed matter.

“(4) ATTORNEYS.—

“(A) IN GENERAL.—The covered individual shall be represented by an attorney if the attorney—

“(i) is retained by the covered individual or appointed by the District Court;

“(ii) has been determined to be eligible for access to classified information that is classified at the level Secret or higher, as required; and

“(iii) has signed a written agreement to comply with all applicable regulations or instructions for attorneys in habeas corpus proceedings before the District Court, including any rules of court for conduct during the proceedings.

“(B) CLASSIFIED INFORMATION.—Any attorney for a covered individual—

“(i) shall protect any classified information received during the course of representation of the covered individual in accord-

ance with all applicable law governing the protection of classified information; and

“(ii) may not divulge such information to any person not authorized to receive it.

“(5) VIDEO HEARINGS.—The District Court shall not require the presence of a covered individual detained at Guantanamo Bay, Cuba, or elsewhere, for the purpose of any proceeding under this section, including an evidentiary hearing pursuant to paragraph (1)(C), although the District Court in its discretion may permit a detainee to participate from Guantanamo Bay, Cuba, in certain proceedings through available technological means, if appropriate and consistent with the procedures for the protection of classified information and national security under this section.

“(e) EXHAUSTION OF MILITARY COMMISSION PROCEDURES.—

“(1) STAY OF APPLICATIONS PENDING OTHER PROCEEDINGS.—Any application for habeas corpus that is pending on or after the date of the enactment of the Enemy Combatant Detention Review Act of 2008 by or on behalf of a covered individual against whom charges have been sworn under chapter 47A of title 10 shall be stayed pending resolution of the proceedings under chapter 47A of title 10.

“(2) HABEAS PROCEDURES FOR PERSONS CONVICTED BY FINAL JUDGMENT OF A MILITARY COMMISSION.—

“(A) IN GENERAL.—Subject to the restrictions under sections 950g and 950j of title 10, an application for a writ of habeas corpus on behalf of a covered individual in custody pursuant to a final judgment of a military commission shall not be granted unless the applicant has exhausted the remedies available under chapter 47A of title 10.

“(B) FAILURE TO EXHAUST.—An application for a writ of habeas corpus by a covered individual may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available under chapter 47A of title 10.

“(C) REMEDIES NOT EXHAUSTED.—A covered individual shall not be determined to have exhausted the remedies available under chapter 47A of title 10, within the meaning of this section, if the covered individual has the right under chapter 47A of title 10 to raise, by any available procedure, the question presented in an application for a writ of habeas corpus.

“(D) LIMITATIONS.—An application for a writ of habeas corpus on behalf of a covered individual in custody pursuant to the judgment of a military commission shall not be granted with respect to any claim that was adjudicated on the merits in military commission proceedings under chapter 47A of title 10 or that could have been raised before the military commission, except where the commission was without jurisdiction to impose such a judgement.

“(E) SCOPE OF REVIEW.—Subject to the restrictions under subparagraph (D), in reviewing any other claim on an application for a writ of habeas corpus on behalf of a covered individual in custody pursuant to the sentence of a military commission, the District Court shall apply the same deference applicable to a court reviewing an application on behalf of a person in custody pursuant to the sentence of a court martial.

“(f) LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.—

“(1) IN GENERAL.—A claim presented in a second or successive application for habeas corpus under this section that was presented in a prior application shall be dismissed.

“(2) CLAIMS NOT INCLUDED IN PRIOR APPLICATION.—A claim presented in a second or successive application for habeas corpus under this section that was not presented in a prior application shall be dismissed unless the—

“(A) factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

“(B) facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found that the covered individual was lawfully detained.

“(3) PROCEDURES FOR SECOND AND SUCCESSIVE APPLICATIONS.—

“(A) IN GENERAL.—The District Court may only consider a second or successive application for habeas corpus under this section if the court determines that the covered individual makes a prima facie showing that the application satisfies the requirements under paragraph (2) for consideration of a second or successive application for habeas corpus.

“(B) APPEAL.—The Government may take an interlocutory appeal from a decision by the District Court to grant consideration of a second or successive habeas corpus application under this paragraph to the United States Court of Appeals for the District of Columbia Circuit. The District Court shall stay proceedings pending the decision on an interlocutory appeal.

“(g) RELEASE.—

“(1) COVERED INDIVIDUALS ORDERED RELEASED.—

“(A) IN GENERAL.—No court shall order the release of a covered individual into the United States.

“(B) VISAS AND IMMIGRATION.—The Secretary of State shall not issue any visa and the Secretary of Homeland Security shall not admit or provide any type of status to a covered individual described in subparagraph (A) that may permit the covered individual to enter or be admitted to the United States.

“(C) WAIVER.—The President, in the sole discretion of the President, may waive the restrictions under subparagraph (A) or (B), in whole or in part, upon a finding that the waiver of such restriction would be consistent with the national security of the United States.

“(2) TRANSFER.—

“(A) IN GENERAL.—If the District Court grants an application for a writ of habeas corpus and orders the release of a covered individual, the covered individual shall be released into the custody of the Secretary of Homeland Security for the purpose of transferring the individual to the country of citizenship of the individual or to another country.

“(B) TRANSFER.—An individual in the custody of the Secretary of Homeland Security pursuant to subparagraph (A) shall be housed separately from aliens detained as enemy combatants by the Department of Defense and in a manner consistent with safety and security of United States personnel. A transfer made pursuant to subparagraph (A) shall be effected as expeditiously as possible and in a manner that is consistent with the policy set out in section 2242 of the 1998 Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 (subdivision B of division G of Public Law 105-277; 8 U.S.C. 1231 note), and with the national security interests of the United States.”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e).

(2) TABLE OF SECTIONS.—The table of sections for chapter 153 of title 28, United States Code, is amended by striking the item relating to section 2256, as added by section 250 of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2672), and inserting the following:

“2256. Habeas corpus review for certain enemy combatants.”.

(3) DETAINEE TREATMENT ACT OF 2005.—Section 1005(e) of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note) is amended by striking paragraph (2).

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to all cases, without exception, pending on or after the date of the enactment of this Act.

SA 5356. Mr. CHAMBLISS (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 652. TRANSITIONAL HEALTH CARE FOR CERTAIN MEMBERS OF THE ARMED FORCES WHO AGREE TO SERVE IN THE SELECTED RESERVE.

(a) PROVISION OF TRANSITIONAL HEALTH CARE.—Section 1145(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(F) A member who is separated from active duty who agrees to become a member of the Selected Reserve of the Ready Reserve of a reserve component.”.

(b) EFFECTIVE DATE.—Subparagraph (E) of section 1145(a)(2) of title 10, United States Code, as added by subsection (a), shall apply with respect to members of the Armed Forces who are separated from active duty after the date of the enactment of this Act.

SA 5357. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. INCREASE IN NUMBER OF UNITS OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) PLAN FOR INCREASE.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop and implement a plan to establish and support 4,000 Junior Reserve Officers' Training Corps units not later than fiscal year 2020.

(b) EXCEPTIONS.—The requirement imposed in subsection (a) shall not apply—

(1) if the Secretary fails to receive an adequate number of requests for Junior Reserve Officers' Training Corps units by public and private secondary educational institutions; or

(2) during a time of national emergency when the Secretaries of the military departments determine that funding must be allocated elsewhere.

(c) COOPERATION.—The Secretary of Defense, as part of the plan to establish and support additional Junior Reserve Officers' Training Corps units, shall work with local educational agencies to increase the employment in Junior Reserve Officers' Training Corps units of retired members of the Armed Forces who are retired under chapter 61 of

title 10, United States Code, especially members who were wounded or injured while deployed in a contingency operation.

(d) REPORT ON PLAN.—Upon completion of the plan, the Secretary of Defense shall provide a report to the congressional defense committees containing, at a minimum, the following:

(1) A description of how the Secretaries of the military departments expect to achieve the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a), including how many units will be established per year by each service.

(2) The annual funding necessary to support the increase in units, including the personnel costs associated.

(3) The number of qualified private and public schools, if any, who have requested a Junior Reserve Officers' Training Corps unit that are on a waiting list.

(4) A description of proposed efforts to improve the increased distribution of units geographically across the United States.

(5) A description of proposed efforts to increase distribution of units in educationally and economically deprived areas.

(6) A description of proposed efforts to enhance employment opportunities for qualified former military members retired for disability, especially those wounded while deployed in a contingency operation.

(e) TIME FOR SUBMISSION.—The plan required under subsection (a), along with the report required by subsection (d), shall be submitted to the congressional defense committees not later than March 31, 2009. The Secretary of Defense shall submit an updated report annually thereafter containing (at a minimum) the information specified in subsection (d) until the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a) is achieved.

SA 5358. Mr. ENSIGN (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1221.

SA 5359. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, strike line 2 and insert the following:

(2) assess any lessons learned from the design, development, and construction of the Airborne Laser system that could improve the operational effectiveness, suitability and survivability, or the affordability, of any future system; and

On page 45, line 3, strike “(2)” and insert “(3)”.

On page 45, line 18, insert before the period the following: “relative to the ballistic missile threat posed by North Korea, Iran, and other countries with active ballistic missile development and fielding programs”.

SA 5360. Mr. BROWNBACk submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1233. ANNUAL REPORT ON MILITARY POWER OF IRAN.

(a) ANNUAL REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1 each year, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the current and future military and security strategy of Iran.

(2) GENERAL SCOPE OF REPORTS.—Each report shall address the current and probable future course of military-technological development of the Iran military and the tenets and probable development of the grand strategy, security strategy, and military strategy, and of military organizations and operational concepts, of Iran during the 20-year period beginning on the date of such report.

(3) FORM.—Each report shall be submitted in both unclassified and classified form.

(b) ELEMENTS.—Each report under this section shall include analyses and forecasts with respect to the following:

(1) The goals of the grand strategy, security strategy, and military strategy of Iran during the 20-year period beginning on the date of such report, and the relationship between such strategies and the current security situation in the Middle East and Central and South Asia.

(2) The size, location, and capabilities of the land, sea, air, and irregular forces of Iran, including the Artesh, the Iranian Revolutionary Guard Corps (IRGC), the Qods Force of the Iranian Revolutionary Guard Corps, Lebanese Hezbollah, and any other force controlled by the Iran or receiving funds or training from the Iran.

(3) Developments in and the capabilities of the ballistic missile, nuclear, and chemical and biological weapons programs of Iran.

(4) The degree to which Iran depends on unconventional, irregular, or asymmetric capabilities to achieve its strategic goals.

(5) The irregular warfare capabilities of Iran, including the exploitation of asymmetric strategies and related weapons and technology, the use of covert forces, the use of proxy forces, support for terrorist organizations, and strategic communications efforts.

(6) Efforts by Iran to develop, acquire, or gain access to information, communication, nuclear, and other advanced technologies that would enhance its military capabilities.

(7) The nature and significance of any arms, munitions, military equipment, or military or dual-use technology acquired by Iran from outside Iran, including from a foreign government or terrorist organization, or provided by Iran to any foreign government or terrorist organization.

(8) The nature and significance of any bilateral or multilateral security or defense-related cooperation agreements, whether formal or informal, between Iran and any foreign government or terrorist organization.

(9) Expenditures by Iran on each of the following:

(A) The security forces of Iran, whether regular and irregular, including the Artesh, the Iranian Revolutionary Guard Corps, and the Qods Force of the Iranian Revolutionary Guard Corps.

(B) The programs of Iran relating to weapons of mass destruction.

(C) Support provided to terrorist groups, insurgent groups, irregular proxy forces, and related activities.

(D) Bilateral military aid.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on International Relations of the House of Representatives.

SA 5361. Mr. BROWNBACk submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 344. SENSE OF SENATE ON EXPEDITIONARY MEDICAL SUPPORT PACKAGES.

It is the sense of the Senate that—

(1) Expeditionary Medical Support (EMEDS) packages are an important part of the disaster response capabilities provided by the Department of Defense; and

(2) Department plans for civil support missions should identify how Expeditionary Medical Support packages will be transported rapidly enough to meet medical surge schedules at any disaster site.

SA 5362. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 356, between lines 12 and 13, insert the following:

SEC. 1222. RESTRICTIONS ON ENTERING INTO AGREEMENT FOR NUCLEAR COOPERATION WITH RUSSIA.

(a) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any other sanction in effect, beginning on the date that is 15 days after the date of the enactment of this Act and until the President makes the certification described in subsection (c), the restrictions described in subsection (b) shall apply with respect to Russia.

(b) RESTRICTIONS.—The restrictions referred to in subsection (a) are the following:

(1) NUCLEAR COOPERATION AGREEMENTS.—The United States may not enter into an agreement for cooperation with Russia pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

(2) LICENSES TO EXPORT NUCLEAR MATERIAL, FACILITIES, OR COMPONENTS.—The United States may not issue a license to export directly or indirectly to Russia any nuclear material, facilities, components, or other goods, services, or technology that would be subject to an agreement under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

(3) TRANSFERS OF NUCLEAR MATERIAL, FACILITIES, OR COMPONENTS.—The United States

may not approve the transfer or retransfer directly or indirectly to Russia of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to an agreement under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

(c) CERTIFICATION.—The certification referred to in subsection (a) is a certification made by the President to Congress that—

(1) either—

(A) Russia has suspended all nuclear assistance to Iran and all transfers of advanced conventional weapons and missiles to Iran, including the SA-20 system; or

(B) Iran has completely, verifiably, and irreversibly dismantled all nuclear enrichment-related and reprocessing-related programs; and

(2) all Russian forces have been withdrawn from the undisputed territory of the sovereign state of Georgia and Russia has complied with its obligations under the ceasefire agreement signed on August 15, 2008.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as interfering with or preventing cooperation between the United States and Russia on Cooperative Threat Reduction programs.

SA 5363. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. PROHIBITION OF WAR PROFITEERING.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“§ 1040. War profiteering and fraud

“(a) PROHIBITION.—Whoever, in any matter involving a contract with, or the provision of goods or services to, the United States or a provisional authority, in connection with a mission of the United States Government overseas, knowingly—

“(1)(A) executes or attempts to execute a scheme or artifice to defraud the United States or that authority; or

“(B) materially overvalues any good or service with the intent to defraud the United States or that authority;

shall be fined not more than \$1,000,000 or imprisoned not more than 20 years, or both; or

“(2) in connection with the contract or the provision of those goods or services—

“(A) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

“(B) makes any materially false, fictitious, or fraudulent statements or representations; or

“(C) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined not more than \$1,000,000 or imprisoned not more than 10 years, or both.

“(b) EXTRATERRITORIAL JURISDICTION.—

There is extraterritorial Federal jurisdiction over an offense under this section.

“(c) VENUE.—A prosecution for an offense under this section may be brought—

“(1) as authorized by chapter 211 of this title;

“(2) in any district where any act in furtherance of the offense took place; or

“(3) in any district where any party to the contract or provider of goods or services is located.”.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“1040. War profiteering and fraud.”.

(b) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking “or 1030” and inserting “1030, or 1040”.

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting “section 1040 (relating to war profiteering and fraud),” after “liquidity agent of financial institution).”.

(d) RICO.—Section 1961(1) of title 18, United States Code, is amended by inserting “section 1040 (relating to war profiteering and fraud),” after “in connection with access devices).”.

SA 5364. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 833 and insert the following:
SEC. 833. INFORMATION FOR FEDERAL GOVERNMENT CONTRACTOR EMPLOYEES ON THEIR WHISTLEBLOWER RIGHTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to prescribe a policy for informing employees of a contractor of an executive agency of their whistleblower rights and protections under section 265 of title 41, United States Code, or section 2409 of title 10, United States Code, as applicable, as implemented by subpart 3.9 of part I of title 48, Code of Federal Regulations.

(b) ELEMENTS.—The regulations required by subsection (a) shall include requirements as follows:

(1) Employees of contractors shall be notified in writing of the provisions of section 265 of title 41, United States Code, or the provisions of section 2409 of title 10, United States Code, as applicable.

(2) Notice to employees of contractors under paragraph (1) shall state that the restrictions imposed by any employee agreement or nondisclosure agreement shall not supersede, conflict with, or otherwise alter the employee rights created by section 265 of title 41, United States Code (or the regulations implementing such section), or the employee rights created by section 2409 of title 10, United States Code (or the regulations implementing such section), as applicable.

(c) CONTRACTOR DEFINED.—In this section, the term “contractor”—

(1) in the case of the Department of Defense or any other agency covered by section 2409 of title 10, United States Code, has the meaning given that term in section 2409(e)(4) of such title; and

(2) in the case of any other executive agency, has the meaning given that term in section 265(e)(2) of title 41, United States Code.

SA 5365. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize ap-

propriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 832 and insert the following:

SEC. 832. ETHICS SAFEGUARDS FOR EMPLOYEES UNDER CERTAIN CONTRACTS FOR THE PERFORMANCE OF ACQUISITION FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) ETHICS SAFEGUARDS.—

(1) CONTRACT CLAUSE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require that each contract (or task or delivery order) in excess of \$500,000 that calls for the performance of acquisition functions closely associated with inherently governmental functions for or on behalf of an executive agency shall include a contract clause addressing financial conflicts of interests of contractor employees who will be responsible for the performance of such functions.

(2) CONTENTS OF CONTRACT CLAUSE.—The contract clause required by paragraph (1) shall, at a minimum—

(A) require the contractor to prohibit any employee of the contractor from performing any functions described in paragraph (1) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter in which the employee (or a member of the employee's immediate family) has a financial interest without the express written approval of the contracting officer;

(B) require the contractor to obtain, review, update, and maintain as part of its personnel records a financial disclosure statement from each employee assigned to perform functions described in subparagraph (A) under such a contract (or task or delivery order) that is sufficient to enable the contractor to ensure compliance with the requirements of subparagraph (A);

(C) require the contractor to prohibit any employee of the contractor who is responsible for performing functions described in subparagraph (A) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter from accepting a gift from the affected company or from an individual or entity that has a financial interest in the program, contract, or other matter;

(D) require the contractor to prohibit contractor personnel who have access to non-public government information obtained while performing work on such a contract (or task or delivery order) from using such information for personal gain;

(E) require the contractor to take appropriate disciplinary action in the case of employees who fail to comply with prohibitions established pursuant to this section;

(F) require the contractor to promptly report any failure to comply with the prohibitions established pursuant to this section to the contracting officer for the applicable contract or contracts;

(G) include appropriate definitions of the terms “financial interest” and “gift” that are similar to the definitions in statutes and regulations applicable to Federal employees;

(H) establish appropriate contractual penalties for failures to comply with the requirements of subparagraphs (A) through (F); and

(I) provide such additional safeguards, definitions, and exceptions as may be necessary to safeguard the public interest.

(3) DEFINITIONS.—In this subsection:

(A) The term “executive agency” has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(B) The term “functions closely associated with inherently governmental functions” means the functions described in section 7.503(d) of the Federal Acquisition Regulation, or any successor regulation.

(b) PERSONAL CONFLICTS OF INTEREST.—

(1) REVIEW OF FAR REGARDING PERSONAL CONFLICTS OF INTEREST.—Not later than 12 months after the date of the enactment of this Act, the Administrator for Federal Procurement Policy, in consultation with the Director of the Office of Government Ethics, shall review the Federal Acquisition Regulation to determine whether revisions to the Federal Acquisition Regulation are necessary to address personal conflicts of interest by contractor employees with respect to contracts other than contracts described in subsection (a)(1).

(2) REVISIONS OF FAR.—If the Administrator determines pursuant to the review under paragraph (1) that revisions to the Federal Acquisition Regulation are necessary to address personal conflicts of interest described in that paragraph, the Administrator shall work with the Federal Acquisition Regulatory Council to prescribe appropriate revisions to the Federal Acquisition Regulation for that purpose.

(3) REPORT.—Not later than March 1, 2010, the Administrator shall submit to the appropriate committees of Congress a report setting forth the findings and determinations of the Administrator as a result of the review under paragraph (1), together with an assessment of any revisions to the Federal Acquisition Regulation that may be necessary to address personal conflicts of interest described in that paragraph.

(c) ORGANIZATIONAL CONFLICTS OF INTEREST.—

(1) REVIEW OF FAR REGARDING ORGANIZATIONAL CONFLICTS OF INTEREST.—Not later than 12 months after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall review the Federal Acquisition Regulation to determine whether revisions to the Federal Acquisition Regulation are necessary to achieve sufficiently rigorous, comprehensive, and uniform government-wide policies to prevent and mitigate organizational conflicts of interest in Federal contracting.

(2) REVISIONS OF FAR.—If the Administrator determines pursuant to the review under paragraph (1) that revisions to the Federal Acquisition Regulation are necessary to achieve the policies described in that paragraph, the Administrator shall work with the Federal Acquisition Regulatory Council to prescribe appropriate revisions to the Federal Acquisition Regulation for that purpose.

(3) REPORT.—Not later than March 1, 2010, the Administrator shall submit to the appropriate committees of Congress a report setting forth the findings and determinations of the Administrator as a result of the review under paragraph (1), together with an assessment of any revisions to the Federal Acquisition Regulation that may be necessary to achieve the policies described in that paragraph.

(d) BEST PRACTICES REGARDING CONFLICTS OF INTEREST.—The Administrator for Federal Procurement Policy shall, in consultation with the Director of the Office of Government Ethics, develop and maintain a repository of best practices relating to the prevention and mitigation of organizational and personal conflicts of interest in Federal contracting.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

SA 5366. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 834. IMPROVEMENT OF WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) EVIDENCE SUBSTANTIATING OCCURRENCE OF REPRISAL.—Subsection (b) of section 2409 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) A person alleging a reprisal under this section shall affirmatively establish the occurrence of the reprisal if the person demonstrates that a disclosure described in subsection (a) was a contributing factor in the reprisal. A disclosure may be demonstrated as a contributing factor for purposes of this paragraph by circumstantial evidence, including evidence as follows:

“(i) Evidence that the official undertaking the reprisal knew of the disclosure.

“(ii) Evidence that the reprisal occurred within a period of time after the disclosure such that a reasonable person could conclude that the disclosure was a contributing factor in the reprisal.

“(B) Except as provided in subparagraph (C), if a reprisal is affirmatively established under subparagraph (A), the Inspector General shall recommend in the report under paragraph (1) that corrective action be taken under subsection (c).

“(C) The Inspector General may not recommend corrective action under subparagraph (B) with respect to a reprisal that is affirmatively established under subparagraph (A) if the contractor demonstrates by clear and convincing evidence that the contractor would have taken the action constituting the reprisal in the absence of the disclosure.”.

(b) BURDEN OF PROOF IN ACTIONS FOLLOWING LACK OF RELIEF.—Paragraph (2) of subsection (c) of such section is amended—

(1) by inserting “(A)” after “(2)”; and

(2) by adding at the end the following new subparagraph:

“(B) In any action under subparagraph (A), the establishment of the occurrence of a reprisal shall be governed by the provisions of subsection (b)(3)(A), including the burden of proof in that subsection, subject to the establishment by the contractor that the action alleged to constitute the reprisal did not constitute a reprisal in accordance with the provisions of subsection (b)(3)(C), including the burden of proof in that subsection.”.

(c) CLARIFICATION OF RECOURSE TO JUDICIAL REVIEW.—Paragraph (5) of subsection (c) of such section is amended by striking “Any person” and inserting “Except in the case of a complainant who brings an action under paragraph (2), any person”.

SA 5367. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 652. REPORT ON BONUSES AND INCENTIVES FOR RECRUITMENT AND RETENTION OF MEMBERS OF THE AIR FORCE IN NUCLEAR CAREER FIELDS.

(a) REPORT REQUIRED.—Not later than March 1, 2009, the Secretary of the Air Force shall submit to the congressional defense committees a report assessing the feasibility, advisability, utility, and cost effectiveness of establishing new retention bonuses or assignment incentive pay for members of the Air Force involved in the operation, maintenance, handling, and security of nuclear weapons in order to enhance the recruitment and retention of such members.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of current reenlistment rates, set forth by Air Force Specialty Code, of members of the Air Force serving in positions involving the operation, maintenance, handling, and security of nuclear weapons.

(2) A description of the current personnel fill rate for Air Force units involved in the operation, maintenance, handling, and security of nuclear weapons.

(3) An assessment of whether additional retention bonuses or assignment incentive pay could help to improve retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(4) An assessment of whether assignment incentive pay should be provided for members of the Air Force covered by the Personnel Reliability Program.

(5) Such other matters as the Secretary considers appropriate.

SA 5368. Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. MCCAIN, Mr. MCCONNELL, Mr. ALEXANDER, Mr. ALLARD, Mr. BOND, Mr. BENNETT, Mr. BROWNBACK, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. ENSIGN, Mr. DOMENICI, Mr. ENZI, Mrs. HUTCHISON, Mr. ISAKSON, Mr. THUNE, Mr. KYL, Mr. WICKER, Mr. ROBERTS, Mr. CHAMBLISS, Mrs. DOLE, Mr. BURR, Mr. MARTINEZ, Mr. STEVENS, Mr. COBURN, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. SENSE OF THE SENATE ON THE STRATEGIC SUCCESS OF THE TROOP SURGE IN IRAQ AND THE MEMBERS OF THE UNITED STATES ARMED FORCES WHO MADE THAT SUCCESS POSSIBLE.

(a) FINDINGS.—The Senate makes the following findings:

(1) By the end of 2006, it had become clear that, despite exceptional efforts and sac-

rifices on the part of the United States Armed Forces in Iraq, the United States was pursuing a failed strategy in Iraq.

(2) By the end of 2006, large-scale sectarian violence was accelerating throughout Iraq, al Qaeda had established significant safe havens there, militias sponsored by the Government of Iran had seized effective control of large swaths of Iraq, and the Government of Iraq was suffering from political paralysis.

(3) By the end of 2006, insurgents and death squads were killing more than 3,000 civilians in Iraq each month and coalition forces were sustaining more than 1,200 attacks each week.

(4) In December 2006, the Iraq Study Group warned that “the United States is facing one of its most difficult and significant international challenges in decades” in Iraq and that “Iraq is vital to regional and even global stability, and is critical to U.S. interests”.

(5) In December 2004, Osama bin Laden said the following of the war in Iraq: “The most important and serious issue today for the whole world is this Third World War. . . . The world’s millstone and pillar is Baghdad, the capital of the caliphate.”.

(6) On January 10, 2007, in an address to the Nation, President George W. Bush acknowledged that the situation in Iraq was “unacceptable” and announced his intention to put in place a new strategy, subsequently known as “the surge”.

(7) President Bush nominated and the Senate confirmed General David H. Petraeus as the Commander of Multi-National Forces—Iraq, a position he assumed on February 10, 2007.

(8) General Petraeus, upon assuming command, and in partnership with Lieutenant General Raymond Odierno, the Commander of Multi-National Corps—Iraq, and United States Ambassador to Iraq Ryan Crocker, developed a comprehensive civil-military counterinsurgency campaign plan to reverse Iraq’s slide into chaos, defeat the enemies of the United States in Iraq, and, in partnership with the Iraqi Security Forces and the Government of Iraq, reestablish security across the country.

(9) Under the previous strategy, the overwhelming majority of United States combat forces were concentrated on a small number of large forward operating bases and were not assigned the mission of providing security for the people of Iraq against insurgents, terrorists, and militia fighters, in part because there were insufficient members of the United States Armed Forces in Iraq to do so.

(10) As an integral component of the surge, approximately 5 additional United States Army brigades and 2 United States Marine Corps battalions were deployed to Iraq.

(11) As an integral component of the surge, members of the United States Armed Forces were deployed out of large forward operating bases onto small bases throughout Baghdad and other key population centers, partnering with the Iraqi Security Forces to provide security for the local population against insurgents, terrorists, and militia fighters.

(12) Additional members of the United States Armed Forces began moving into Iraq in January 2007 and reached full strength in June 2007.

(13) As a consequence of the additional forces needed in Iraq, in April 2007 the United States Army added 3 months to the standard year-long tour for all active duty soldiers in Iraq and Afghanistan, and the United States Marine Corps added 3 months to the standard 6-month tour for all active duty Marines in Iraq and Afghanistan.

(14) As an integral component of the surge, members of the United States Armed Forces began simultaneous and successive offensive operations, in partnership with the Iraqi Security Forces, of unprecedented breadth,

continuity, and sophistication, striking multiple enemy safe havens and lines of communication at the same time.

(15) As an integral component of the surge, additional members of the United States Armed Forces were deployed to Anbar province to provide essential support to the nascent tribal revolt against al Qaeda in that province.

(16) Those additional members of the United States Armed Forces played a critical role in the success and spread of anti-Qaeda Sunni tribal groups in Anbar province and subsequently in other regions of Iraq.

(17) Since the start of the surge in January 2007, there have been marked and hopeful improvements in almost every political, security, and economic indicator in Iraq.

(18) In 2007, General Petraeus described Iraq as “the central front of al Qaeda’s global campaign”.

(19) In 2008, as a consequence of the success of the surge, al Qaeda has been dealt what Director of Central Intelligence Michael Hayden assesses as a “near strategic defeat” in Iraq.

(20) As a consequence of the success of the surge, militias backed by the Government of Iran have been routed from major population centers in Iraq and no longer control significant swaths of territory.

(21) As a consequence of the success of the surge, sectarian violence in Iraq has fallen dramatically and has been almost entirely eliminated.

(22) As a consequence of the success of the surge, overall insurgent attacks have fallen by approximately 80 percent since June 2007 and are at their lowest level since March 2004.

(23) As a consequence of the success of the surge, United States casualties in Iraq have dropped dramatically and United States combat deaths in Iraq in July 2008 were lower than in any other month since the beginning of the war.

(24) As a consequence of the success of the surge, the Government of Iraq has made significant strides in advancing sectarian reconciliation and achieving political progress, including the passage of key benchmark legislation.

(25) As a consequence of the success of the surge, the Iraqi Security Forces have improved markedly and approximately 70 percent of Iraqi combat battalions are now leading operations in their areas.

(26) As a consequence of the success of the surge, General Petraeus concluded in 2008 that conditions on the ground in Iraq could permit the additional brigades and battalions dispatched to Iraq in 2007 as part of the surge to be safely redeployed without replacement, and all such brigades and battalions have been successfully withdrawn without replacement.

(b) SENSE OF SENATE.—It is the sense of the Senate to—

(1) commend and express its gratitude to the men and women of the United States Armed Forces for the service, sacrifices, and heroism that made the success of the troop surge in Iraq possible;

(2) commend and express its gratitude to General David H. Petraeus, General Raymond Odierno, and Ambassador Ryan Crocker for the distinguished wartime leadership that made the success of the troop surge in Iraq possible;

(3) recognize the success of the troop surge in Iraq and its strategic significance in advancing the vital national interests of the United States in Iraq, the Middle East, and the world, in particular as a strategic victory in a central front of the war on terrorism; and

(4) recognize that the hard-won gains achieved as a result of the troop surge in

Iraq are significant but not yet permanent and that it is imperative that no action be taken that jeopardizes those gains or dishonors the service and sacrifice of the men and women of the United States Armed Forces who made those gains possible.

SA 5369. Mr. WHITEHOUSE (for himself, Mrs. FEINSTEIN, Mr. ROCKEFELLER, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 280, after line 20, add the following:

SEC. 1037. REQUIREMENT FOR RED CROSS NOTIFICATION OF AND ACCESS TO DE-TAINES.

(a) REQUIREMENT.—No funds authorized to be appropriated by this Act or any other Act may be used to detain any individual who is in the custody or under the effective control of an element of the intelligence community or an instrumentality of such element unless the International Committee of the Red Cross is provided notification of the detention of such individual and access to such individual in a manner consistent with the practices of the Armed Forces.

(b) CONSTRUCTION.—Nothing in this subsection shall be construed—

(1) to create or otherwise imply the authority to detain; or

(2) to limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

(c) DEFINITIONS.—In this section:

(1) INSTRUMENTALITY.—The term “instrumentality”, with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SA 5370. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 452, between lines 9 and 10, insert the following:

SEC. 2806. EXPANSION OF AUTHORITY FOR PILOT PROJECTS FOR ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.

Section 2881a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “The Secretary of the Navy” and inserting “(1) The Secretary of the Navy”; and

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

“(2) The Secretary of the Army shall carry out a pilot project under the authority of

this section or another provision of this subchapter to use the private sector for the acquisition or construction of military unaccompanied housing for all ranks at Fort Polk, Louisiana.”;

(2) in subsection (b), by striking “The Secretary of the Navy” and inserting “The Secretaries of the Army and Navy”;

(3) in subsection (d)(1), by striking “The Secretary of the Navy” and inserting “The Secretaries of the Army and Navy”;

(4) in subsection (e)(1), by striking “The Secretary of the Navy shall transmit” and inserting “The Secretaries of the Army and Navy shall each transmit”; and

(5) in subsection (f)—

(A) by striking “The authority” and inserting “(1) The authority”; and

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

“(2) The authority of the Secretary of the Army to enter into a contract under the pilot program shall expire September 30, 2010.”.

SA 5371. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. WORLD WAR II MUSEUM FOUNDATION FOR AMERICA’S NATIONAL WORLD WAR II MUSEUM.

(a) FINDINGS.—Congress makes the following findings:

(1) The National D-Day Museum was officially designated by the Congress as “America’s National World War II Museum” in section 8134 of the Fiscal Year 2004 Defense Appropriations Act (Public Law 108–87; 117 Stat. 1103).

(2) The Museum received the national designation because it is the only museum in the United States that exists for the exclusive purpose of interpreting the American experience during World War II, years 1939–1945, on both the battlefield and the homefront. In doing so, the Museum covers all of the branches of the Armed Forces and the Merchant Marine.

(3) A one-time \$50,000,000 grant to the World War II Museum Foundation would provide vital Federal support for the U.S. Freedom Pavilion portion of the current Museum expansion.

(4) The U.S. Freedom Pavilion will be the main entrance building to the main theater, exhibit halls, and other pavilions in the Museum. Among its major exhibits, the Freedom Pavilion will contain an interactive exhibition honoring all of the World War II veterans who have also served the Nation as President or as a member of the Senate or House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of the amount appropriated pursuant to the authorization of appropriations under section 301(1), \$50,000,000 may be made available for a grant to the National World War II Museum Foundation for the museum in New Orleans, Louisiana, designated as America’s National World War II Museum by section 8134 of the Department of Defense Appropriations Act, 2005 (Public Law 108–87; 117 Stat. 1103).

SA 5372. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001,

to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 539. AUTHORIZED STRENGTH AND DISTRIBUTION IN GRADE OF CERTAIN NATIONAL GUARD AND RESERVE OFFICERS AND ARMY NATIONAL GUARD ENLISTED PERSONNEL.

(a) STRENGTH AND GRADE AUTHORIZATIONS FOR CERTAIN NATIONAL GUARD AND RESERVE

OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended—

(1) by striking the matter relating to the Army National Guard and the Marine Corps Reserve and inserting the following new matter:

“Army National Guard:	Major	Lieutenant Colonel	Colonel
20,000	1,500	850	325
22,000	1,650	930	350
24,000	1,790	1,010	378
26,000	2,070	1,168	420
28,000	1,930	1,085	395
30,000	2,200	1,245	445
32,000	2,330	1,315	460
34,000	2,450	1,385	470
36,000	2,570	1,455	480
38,000	2,670	1,527	490
40,000	2,770	1,590	500
42,000	2,837	1,655	505

“Marine Corps Reserve:	Major	Lieutenant Colonel	Colonel
1,000	99	63	20
1,200	103	67	21
1,300	107	70	22
1,400	111	73	23
1,500	114	76	24
1,600	117	79	25
1,700	120	82	26
1,800	123	85	27
1,900	126	88	28
2,000	129	91	29
2,100	132	94	30
2,200	134	97	31
2,300	136	100	32
2,400	138	103	33
2,500	140	106	34
2,600	142	109	35”.

(2) by striking the matter relating to the Air National Guard and inserting the following new matter:

“Air National Guard:	Major	Lieutenant Colonel	Colonel
5,000	333	335	251
6,000	403	394	260
7,000	472	453	269
8,000	539	512	278
9,000	606	571	287
10,000	673	665	313
11,000	740	759	339
12,000	807	827	353
13,000	873	886	363
14,000	939	945	374
15,000	1,005	1,001	384
16,000	1,067	1,057	394
17,000	1,126	1,113	404
18,000	1,185	1,169	414
19,000	1,235	1,224	424
20,000	1,283	1,280	428”.

(b) STRENGTH AND GRADE AUTHORIZATION FOR CERTAIN ARMY NATIONAL GUARD PER-

SONNEL.—The table in section 12012(a) of such title is amended by striking the matter re-

lating to the Army National Guard and inserting the following new matter:

“Army National Guard:	E-8	E-9
20,000	1,650	550
22,000	1,775	615
24,000	1,950	645
26,000	2,100	675
28,000	2,250	715
30,000	2,400	735
32,000	2,500	760
34,000	2,600	780

“Army National Guard:

	E-8	E-9
36,000	2,700	800
38,000	2,800	820
40,000	2,900	830
42,000	3,000	840”.

SA 5373. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 652. AUTHORITY TO CONTINUE PROVISION OF INCENTIVES AFTER TERMINATION OF TEMPORARY ARMY AUTHORITY TO PROVIDE ADDITIONAL RECRUITMENT INCENTIVES.

Subsection (i) of section 681 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3321) is amended to read as follows:

“(i) **TERMINATION OF AUTHORITY.**—
“(1) **IN GENERAL.**—The Secretary may not develop an incentive under this section, or first provide an incentive developed under this section to an individual, after December 31, 2009.

“(2) **CONTINUATION OF INCENTIVES.**—Nothing in paragraph (1) shall be construed to prohibit or limit the continuing provision to an individual after the date specified in that paragraph of an incentive first provided the individual under this section before that date.”.

SA 5374. Mr. REID (for Mr. BIDEN (for himself, Mr. KERRY, and Mr. HAGEL)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, after line 20, add the following:

Subtitle E—Enhanced Partnership With Pakistan

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the “Enhanced Partnership with Pakistan Act of 2008”.

SEC. 1242. FINDINGS.

Congress makes the following findings:

(1) The people of Pakistan and the United States have a long history of friendship and comity, and the vital interests of both nations are well-served by strengthening and deepening this friendship.

(2) In February 2008, the people of Pakistan elected a civilian government, reversing months of political tension and intrigue, as well as mounting popular concern over governance and their own democratic reform and political development.

(3) A democratic, moderate, modernizing Pakistan would represent the wishes of that country’s populace, and serve as a model to other countries around the world.

(4) Pakistan is a major non-NATO ally of the United States, and has been a valuable

partner in the battle against al Qaeda and the Taliban.

(5) The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has led to the deaths of several thousand Pakistani civilians and members of the security forces of Pakistan over the past 6 years.

(6) Since the terrorist attacks of September 11, 2001, more al Qaeda terrorist suspects have been apprehended in Pakistan than in any other country, including Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi.

(7) Despite the sacrifices and cooperation of the security forces of Pakistan, the top leadership of al Qaeda, as well as the leadership and rank-and-file of affiliated terrorist groups, are believed to use Pakistan’s Federally Administered Tribal Areas (FATA) as a haven and a base from which to organize terrorist actions in Pakistan and with global reach.

(8) According to a Government Accountability Office Report, (GAO-08-622), “since 2003, the administration’s national security strategies and Congress have recognized that a comprehensive plan that includes all elements of national power— diplomatic, military, intelligence, development assistance, economic, and law enforcement support— was needed to address the terrorist threat emanating from the FATA” and that such a strategy was also mandated by section 7102(b)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 22 U.S.C. 2656f note) and section 2042(b)(2) of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 22 U.S.C. 2375 note).

(9) According to United States military sources and unclassified intelligence reports, including the July 2007 National Intelligence Estimate entitled, “The Terrorist Threat to the U.S. Homeland”, the Taliban, al Qaeda, and their Pakistani affiliates continue to use territory in Pakistan as a haven, recruiting location, and rear base for violent actions in both Afghanistan and Pakistan, as well as attacks globally, and pose a threat to the United States homeland.

(10) The toll of terrorist attacks, including suicide bombs, on the people of Pakistan include thousands of citizens killed and wounded across the country, over 1,400 military and police forces killed (including 700 since July 2007), and dozens of tribal, provincial, and national officials targeted and killed, as well as the brazen assassination of former prime minister Benazir Bhutto while campaigning in Rawalpindi on December 27, 2007, and several attempts on the life of President Pervaiz Musharraf, and the rate of such attacks have grown considerably over the past 2 years.

(11) The people of Pakistan and the United States share many compatible goals, including—

(A) combating terrorism and violent radicalism, both inside Pakistan and elsewhere;

(B) solidifying democracy and the rule of law in Pakistan;

(C) promoting the economic development of Pakistan, both through the building of infrastructure and the facilitation of increased trade;

(D) promoting the social and material well-being of Pakistani citizens, particularly through development of such basic services as public education, access to potable water, and medical treatment; and

(E) safeguarding the peace and security of South Asia, including by facilitating peaceful relations between Pakistan and its neighbors.

(12) According to consistent opinion research, including that of the Pew Global Attitudes Survey (December 28, 2007) and the International Republican Institute (January 29, 2008), many people in Pakistan have historically viewed the relationship between the United States and Pakistan as a transactional one, characterized by a heavy emphasis on security issues with little attention to other matters of great interest to citizens of Pakistan.

(13) The election of a civilian government in Pakistan in February 2008 provides an opportunity, after nearly a decade of military-dominated rule, to place relations between Pakistan and the United States on a new and more stable foundation.

(14) Both the Government of Pakistan and the United States Government should seek to enhance the bilateral relationship through additional multi-faceted engagement in order to strengthen the foundation for a consistent and reliable long-term partnership between the two countries.

SEC. 1243. DEFINITIONS.

In this subtitle:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) **COUNTERINSURGENCY.**—The term “counterinsurgency” means efforts to defeat organized movements that seek to overthrow the duly constituted Governments of Pakistan and Afghanistan through the use of subversion and armed conflict.

(3) **COUNTERTERRORISM.**—The term “counterterrorism” means efforts to combat al Qaeda and other foreign terrorist organizations that are designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(4) **FATA.**—The term “FATA” means the Federally Administered Tribal Areas of Pakistan.

(5) **NWFP.**—The term “NWFP” means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

(6) **PAKISTAN-AFGHANISTAN BORDER AREAS.**—The term “Pakistan-Afghanistan border areas” includes the Pakistan regions known as NWFP, FATA, and parts of Balochistan in which the Taliban or Al Qaeda have traditionally found refuge.

(7) **SECURITY-RELATED ASSISTANCE.**—The term “security-related assistance” means—

(A) grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763);

(B) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.);

(C) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.);

(D) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456); and

(E) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 368).

(8) SECURITY FORCES OF PAKISTAN.—The term “security forces of Pakistan” means the military, paramilitary, and intelligence services of the Government of Pakistan, including the armed forces, Inter-Services Intelligence Directorate, Intelligence Bureau, police forces, Frontier Corps, and Frontier Constabulary.

SEC. 1244. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to support the consolidation of democracy, good governance, and rule of law in Pakistan;

(2) to affirm and build a sustained, long-term, multifaceted relationship with Pakistan;

(3) to further the sustainable economic development of Pakistan and the improvement of the living conditions of its citizens by expanding United States bilateral engagement with the Government of Pakistan, especially in areas of direct interest and importance to the daily lives of the people of Pakistan;

(4) to work with Pakistan and the countries bordering Pakistan to facilitate peace in the region and harmonious relations between the countries of the region;

(5) to work with the Government of Pakistan to prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, Afghanistan, or elsewhere in the world;

(6) to work in close cooperation with the Government of Pakistan to coordinate military and paramilitary action against terrorist targets;

(7) to work with the Government of Pakistan to help bring peace, stability, and development to all regions of Pakistan, especially those in the Pakistan-Afghanistan border areas, including support for an effective counterinsurgency strategy; and

(8) to expand people-to-people engagement between the United States and Pakistan, through increased educational, technical, and cultural exchanges and other methods.

SEC. 1245. AUTHORIZATION OF FUNDS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the following amounts:

(1) For fiscal year 2009, up to \$1,500,000,000.

(2) For fiscal year 2010, up to \$1,500,000,000.

(3) For fiscal year 2011, up to \$1,500,000,000.

(4) For fiscal year 2012, up to \$1,500,000,000.

(5) For fiscal year 2013, up to \$1,500,000,000.

(b) SENSE OF CONGRESS ON ECONOMIC SUPPORT FUNDS.—It is the sense of Congress that, subject to an improving political and economic climate, there should be authorized to be appropriated up to \$1,500,000,000 per year for fiscal years 2014 through 2018 for the purpose of providing assistance to Pakistan under the Foreign Assistance Act of 1961.

(c) SENSE OF CONGRESS ON SECURITY-RELATED ASSISTANCE.—It is the sense of Congress that security-related assistance to the Government of Pakistan should be provided in close coordination with the Government of Pakistan, designed to improve the Government's capabilities in areas of mutual concern, and maintained at a level that will bring significant gains in pursuing the policies set forth in paragraphs (5), (6), and (7) of section 1244.

(d) USE OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations under this section shall be used for projects determined by an objective measure to be of clear benefit to the people of Pakistan, including projects that promote—

(1) just and democratic governance, includ-

(A) political pluralism, equality, and the rule of law;

(B) respect for human and civil rights;

(C) independent, efficient, and effective judicial systems;

(D) transparency and accountability of all branches of government and judicial proceedings; and

(E) anticorruption efforts among police, civil servants, elected officials, and all levels of government administration, including the military;

(2) economic freedom, including—

(A) private sector growth and the sustainable management of natural resources;

(B) market forces in the economy; and

(C) worker rights, including the right to form labor unions and legally enforce provisions safeguarding the rights of workers and local community stakeholders; and

(3) investments in people, particularly women and children, including—

(A) broad-based public primary and secondary education and vocational training for both boys and girls;

(B) the construction of roads, irrigation channels, wells, and other physical infrastructure;

(C) agricultural development to ensure food staples in times of severe shortage;

(D) quality public health, including medical clinics with well trained staff serving rural and urban communities; and

(E) public-private partnerships in higher education to ensure a breadth and consistency of Pakistani graduates to help strengthen the foundation for improved governance and economic vitality.

(e) PREFERENCE FOR BUILDING LOCAL CAPACITY.—The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan to provide assistance under this section.

(f) AUTHORITY TO USE FUNDS FOR OPERATIONAL EXPENSES.—Funds authorized by this section may be used for operational expenses. Funds may also be made available to the Inspector General of the United States Agency for International Development to provide audits and program reviews of projects funded pursuant to this section.

(g) USE OF SPECIAL AUTHORITY.—The President is encouraged to utilize the authority of section 633(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2393(a)) to expedite assistance to Pakistan under this section.

(h) USE OF FUNDS.—Funds appropriated or otherwise made available to carry out this section shall be utilized to the maximum extent possible as direct expenditures for projects and programs by the United States mission in Pakistan, subject to existing reporting and notification requirements.

(i) NOTIFICATION REQUIREMENTS.—

(1) NOTICE OF ASSISTANCE FOR BUDGET SUPPORT.—The President shall notify Congress not later than 15 days before providing any assistance under this section as budgetary support to the Government of Pakistan or any element of such Government.

(2) ANNUAL REPORT.—The President shall submit to the appropriate congressional committees a report on assistance provided under this section. The report shall describe—

(A) all expenditures under this section, by region;

(B) the intended purpose for such assistance, the strategy or plan with which it is aligned, and a timeline for completion associated with such strategy or plan;

(C) the partner or partners contracted for that purpose, as well as a measure of the effectiveness of the partner or partners;

(D) any shortfall in financial, physical, technical, or human resources that hinder effective use and monitoring of such funds; and

(E) any negative impact, including the absorptive capacity of the region for which the resources are intended, of United States bilateral or multilateral assistance and recommendations for modification of funding, if any.

(j) SENSE OF CONGRESS ON FUNDING OF PRIORITIES.—It is the sense of Congress that the Government of Pakistan should allocate a greater portion of its budget, consistent with its “Poverty Reduction Strategy Paper”, to the recurrent costs associated with education, health, and other priorities described in this section.

SEC. 1246. LIMITATION ON CERTAIN ASSISTANCE.

(a) LIMITATION ON CERTAIN MILITARY ASSISTANCE.—Beginning in fiscal year 2010, no grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763) and no assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) may be provided to Pakistan in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(b) LIMITATION ON ARMS TRANSFERS.—Beginning in fiscal year 2012, no letter of offer to sell major defense equipment to Pakistan may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(c) CERTIFICATION.—The certification required by this subsection is a certification to the appropriate congressional committees by the Secretary of State, after consultation with the Secretary of Defense and the Director of National Intelligence, that the security forces of Pakistan—

(1) are making concerted efforts to prevent al Qaeda and associated terrorist groups from operating in the territory of Pakistan;

(2) are making concerted efforts to prevent the Taliban from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan; and

(3) are not materially interfering in the political or judicial processes of Pakistan.

(d) WAIVER.—The Secretary of State may waive the limitations in subsections (a) and (b) if the Secretary determines it is in the national security interests of the United States to provide such waiver.

(e) PRIOR NOTICE OF WAIVER.—A waiver pursuant to subsection (d) may not be exercised until 15 days after the Secretary of State provides to the appropriate congressional committees written notice of the intent to issue such waiver and the reasons therefor.

SEC. 1247. COALITION SUPPORT FUNDS.

(a) ACCOUNTING REPORTS.—Not later than May 1 and November 1 of each year, the President shall submit to the appropriate congressional committees and the Committees on Armed Services of the Senate and the House of Representatives a complete accounting of the Coalition Support Fund payments made to Pakistan for the preceding two fiscal quarters. The accounting shall include a description of each claim presented by the Government of Pakistan and reimbursed by the United States, in sufficient detail to permit Congress to provide effective oversight.

(b) PROHIBITION ON REIMBURSEMENT WITHOUT ACCOUNTING REPORT.—Except as provided in subsection (c), no claim for funding under the Coalition Support Fund made after the date of the enactment of this Act may be paid until the President has submitted the accounting described in subsection (a) for the most recent two fiscal quarters.

(c) WAIVER.—The Secretary of Defense may waive the prohibition in subsection (b) for a

nonrenewable 6-month period for an individual Coalition Support Fund claim if the Secretary submits to the committees described in subsection (a) a written certification that such waiver is in the national security interests of the United States.

(d) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex. The unclassified portion shall be submitted in a searchable electronic format.

SEC. 1248. AFGHANISTAN-PAKISTAN BORDER STRATEGY.

(a) DEVELOPMENT OF COMPREHENSIVE STRATEGY.—The Secretary of State, in consultation with the Secretary of Defense, the Director of National Intelligence, and such other government officials as may be appropriate, shall develop a comprehensive, cross-border strategy for working with the Government of Pakistan, the Government of Afghanistan, NATO, and other like-minded allies to best implement effective counterterrorism and counterinsurgency measures in and near the border areas of Pakistan and Afghanistan, especially in known or suspected safe havens such as Pakistan's FATA, the NWFP, parts of Balochistan, and other critical areas in the south and east border areas of Afghanistan.

(b) REPORT.—Not later than June 1, 2009, the Secretary of State shall submit to the appropriate congressional committees a detailed description of a comprehensive strategy for counterterrorism and counterinsurgency in the FATA, as well as proposed timelines and budgets for implementing the strategy.

SEC. 1249. SENSE OF CONGRESS.

It is the sense of Congress that the United States should—

(1) recognize the bold political steps the Pakistan electorate has taken during a time of heightened sensitivity and tension in 2007 and 2008 to elect a new civilian government;

(2) seize this strategic opportunity in the interests of Pakistan as well as in the national security interests of the United States to expand its engagement with the Government and people of Pakistan in areas of particular interest and importance to the people of Pakistan; and

(3) continue to build a responsible and reciprocal security relationship taking into account the national security interests of the United States as well as regional and national dynamics in Pakistan to further strengthen and enable the position of Pakistan as a major non-NATO ally.

SA 5375. Mr. COLEMAN (for himself, Mrs. LINCOLN, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 634. TRAVEL AND TRANSPORTATION ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS FOR LONG DISTANCE TRAVEL TO INACTIVE DUTY TRAINING.

(a) ALLOWANCES AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

“§ 411k. Travel and transportation allowances: long distance travel to inactive duty training performed by members of the reserve components of the armed forces

“(a) ALLOWANCE AUTHORIZED.—The Secretary concerned may reimburse a member of a reserve component of the armed forces for expenses incurred in connection with round-trip travel in excess of 100 miles to an inactive duty training location, including mileage traveled and lodging and subsistence.

“(b) RATES OF REIMBURSEMENT.—

(1) MILEAGE.—In determining the amount of allowances or reimbursement to be paid for mileage traveled under this section, the Secretary concerned shall use the mileage reimbursement rate for the use of privately owned vehicles by Government employees on official business (when a Government vehicle is available), as prescribed by the Administrator of General Services under section 5707(b) of title 5.

(2) LODGING AND SUBSISTENCE.—In determining the amount of allowances or reimbursement to be paid for lodging and subsistence under this section, the Secretary concerned shall use the per diem rate as prescribed by the Administrator of General Services under section 5707 of title 5.

(3) AUTHORITY TO REIMBURSE AT HIGHER RATES.—Subject to the availability of appropriations and the approval of the Secretary of Defense, the Secretary concerned may modify the amount of allowances or reimbursement to be paid under this section using reimbursement rates in excess of those prescribed under paragraphs (1) and (2).

(c) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411j the following new item:

“411k. Travel and transportation allowances: long distance travel to inactive duty training performed by members of the reserve components of the armed forces.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to travel expenses incurred after the expiration of the 90-day period that begins on the date of the enactment of this Act.

SA 5376. Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1003 and insert the following:

SEC. 1003. CODIFICATION OF RECURRING AUTHORITY ON UNITED STATES CONTRIBUTIONS TO THE NORTH ATLANTIC TREATY ORGANIZATION COMMON-FUNDED BUDGETS.

(a) CODIFICATION OF AUTHORITY.—

(1) IN GENERAL.—Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2263. United States contributions to the North Atlantic Treaty Organization common-funded budgets

“(a) IN GENERAL.—The total amount contributed by the Secretary of Defense in any fiscal year for the common-funded budgets of NATO may be an amount in excess of the maximum amount that would otherwise be applicable to those contributions in such fiscal year under the fiscal year 1998 baseline limitation.

“(b) REPORTS.—(1) Not later than October 30 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the contributions made by the Secretary to the common-funded budgets of NATO in the preceding fiscal year.

“(2) Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

“(A) The amounts contributed by the Secretary to each of the separate budgets and programs of the North Atlantic Treaty Organization under the common-funded budgets of NATO.

“(B) For each budget and program to which the Secretary made such a contribution, the percentage of such budget or program during the fiscal year that such contribution represented.

“(c) DEFINITIONS.—In this section:

“(1) COMMON-FUNDED BUDGETS OF NATO.—The term ‘common-funded budgets of NATO’ means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

“(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term ‘fiscal year 1998 baseline limitation’ means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 134 of such title is amended by adding at the end the following new item:

“2263. United States contributions to the North Atlantic Treaty Organization common-funded budgets.”

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply to fiscal years that begin on or after that date.

SA 5377. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 454, after line 21, add the following:

SEC. 2814. VEGETATION MAINTENANCE PLAN FOR DEPARTMENT OF DEFENSE TRAINING RANGES.

(a) PLAN REQUIRED.—The Secretary of Defense shall submit concurrently with the budget materials submitted to Congress for fiscal year 2010 a vegetation maintenance

plan for all Department of Defense training ranges identifying measures to prevent training range encroachment, identify recoverable acreage, and sustain any potential recovery.

(b) **CONTENT.**—The plan submitted under subsection (a) shall include—

(1) a survey of all Department of Defense training ranges and the impact of vegetation on the loss of training range acreage;

(2) an estimate of the funds required, identified by installation, for vegetation management;

(3) a ranking of probable adverse training impacts by installation; and

(4) a proposed five-year plan, and projected budgetary resources needed by year, to sustain the vegetation management gains proposed by the plan.

SA 5378. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

SEC. 257. REPORT ON THE ACCELERATION OF RESEARCH, DEVELOPMENT, AND FIELDING OF LIFE-PRESERVING BLOOD TECHNOLOGIES.

(a) **REPORT REQUIRED.**—Not later than March 30, 2009, the Secretary of Defense shall submit to Congress a report setting forth an assessment of the feasibility and advisability of accelerating research, development, and fielding of blood technologies that will improve the capacity to save lives of members of the Armed Forces receiving combat care.

(b) **COVERED TECHNOLOGIES.**—The technologies to be addressed by the report required by subsection (a) shall include, but not be limited to, extended life red blood cells, cryogenic storage of white blood cells, cryo-preserved platelets, hemoglobin-based oxygen carriers, and freeze dried plasma.

SA 5379. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. POSTAL BENEFITS PROGRAM FOR MEMBERS OF THE ARMED FORCES SERVING IN IRAQ OR AFGHANISTAN.

(a) **AVAILABILITY OF POSTAL BENEFITS.**—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits are provided to qualified individuals in accordance with this section.

(b) **QUALIFIED INDIVIDUAL.**—In this section, the term “qualified individual” means a member of the Armed Forces on active duty (as defined in section 101 of title 10, United States Code) who—

(1) is serving in Iraq or Afghanistan; or

(2) is hospitalized at a facility under the jurisdiction of the Department of Defense as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan.

(c) **POSTAL BENEFITS DESCRIBED.**—

(1) **VOUCHERS.**—The postal benefits provided under the program shall consist of such coupons or other similar evidence of credit, whether in printed, electronic, or other format (in this section referred to as a “voucher”), as the Secretary of Defense, in consultation with the Postal Service, shall determine, which entitle the bearer or user to make qualified mailings free of postage.

(2) **QUALIFIED MAILING.**—In this section, the term “qualified mailing” means the mailing of a single mail piece which—

(A) is first-class mail (including any sound-recorded or video-recorded communication) not exceeding 13 ounces in weight and having the character of personal correspondence or parcel post not exceeding 10 pounds in weight;

(B) is sent from within an area served by a United States post office; and

(C) is addressed to a qualified individual.

(3) **COORDINATION RULE.**—Postal benefits under the program are in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(d) **NUMBER OF VOUCHERS.**—A member of the Armed Forces shall be eligible for one voucher for every second month in which the member is a qualified individual.

(e) **LIMITATIONS ON USE; DURATION.**—A voucher may not be used—

(1) for more than a single qualified mailing; or

(2) after the earlier of—

(A) the expiration date of the voucher, as designated by the Secretary of Defense; or

(B) the end of the one-year period beginning on the date on which the regulations prescribed under subsection (f) take effect.

(f) **REGULATIONS.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense (in consultation with the Postal Service) shall prescribe such regulations as may be necessary to carry out the program, including—

(1) procedures by which vouchers will be provided or made available in timely manner to qualified individuals; and

(2) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with subsection (d).

(g) **TRANSFERS TO POSTAL SERVICE.**—

(1) **BASED ON ESTIMATES.**—The Secretary of Defense shall transfer to the Postal Service, out of amounts available to carry out the program and in advance of each calendar quarter during which postal benefits may be used under the program, an amount equal to the amount of postal benefits that the Secretary estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Secretary finds that a determination under this section for a prior quarter was greater than or less than the amount finally determined for such quarter.

(2) **BASED ON FINAL DETERMINATION.**—A final determination of the amount necessary to correct any previous determination under this section, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the end of the one-year period referred to in subsection (e)(2)(B).

(3) **CONSULTATION REQUIRED.**—All estimates and determinations under this subsection of the amount of postal benefits under the program used in any period shall be made by the Secretary of Defense in consultation with the Postal Service.

(h) **FUNDING.**—Of the amounts authorized to be appropriated for the Department of Defense for fiscal year 2008 for military personnel, \$10,000,000 shall be for postal benefits provided in this section.

SA 5380. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. COLD WAR SERVICE MEDAL.

(a) **AUTHORITY.**—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1135. Cold War service medal

“(a) **MEDAL AUTHORIZED.**—The Secretary concerned shall issue a service medal, to be known as the ‘Cold War service medal’, to persons eligible to receive the medal under subsection (b). The Cold War service medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

“(b) **ELIGIBLE PERSONS.**—The following persons are eligible to receive the Cold War service medal:

“(1) A person who—

“(A) performed active duty or inactive duty training as an enlisted member during the Cold War;

“(B) completed the person’s initial term of enlistment or, if discharged before completion of such initial term of enlistment, was honorably discharged after completion of not less than 180 days of service on active duty; and

“(C) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

“(2) A person who—

“(A) performed active duty or inactive duty training as a commissioned officer or warrant officer during the Cold War;

“(B) completed the person’s initial service obligation as an officer or, if discharged or separated before completion of such initial service obligation, was honorably discharged after completion of not less than 180 days of service on active duty; and

“(C) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge or separation less favorable than an honorable discharge.

“(c) **ONE AWARD AUTHORIZED.**—Not more than one Cold War service medal may be issued to any person.

“(d) **ISSUANCE TO REPRESENTATIVE OF DECEASED.**—If a person described in subsection (b) dies before being issued the Cold War service medal, the medal shall be issued to the person’s representative, as designated by the Secretary concerned.

“(e) **REPLACEMENT.**—Under regulations prescribed by the Secretary concerned, a Cold War service medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

“(f) **APPLICATION FOR MEDAL.**—The Cold War service medal shall be issued upon receipt by the Secretary concerned of an application for such medal, submitted in accordance with such regulations as the Secretary prescribes.

“(g) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

“(h) COLD WAR DEFINED.—In this section, the term ‘Cold War’ means the period beginning on September 2, 1945, and ending at the end of December 26, 1991.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1135. Cold War service medal.”

SA 5381. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. SENSE OF THE SENATE ON THE USE OF OIL REVENUES IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) Congress has called on the Government of Iraq to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other citizens of Iraq in an equitable manner.

(2) The Government of Iraq has failed to pass national hydrocarbon revenue-sharing legislation to ensure the equitable distribution of oil revenues to the people of Iraq, a national security priority of the United States Government.

(3) The failure to pass such legislation leaves Iraq at great risk of suffering from the “oil curse”, marked by declining economic growth, vast inequality, political repression, and continuing violence.

(4) According to the Government Accountability Office, the Government of Iraq will receive as much as \$80,000,000,000 in oil revenues in 2008 and has a projected budget surplus for 2008 of almost \$50,000,000,000.

(5) As of September 2008, the United States Government has spent approximately \$48,000,000,000 on reconstruction projects in Iraq, while the Government of Iraq has spent roughly \$4,000,000,000 on reconstruction projects.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Government of Iraq should immediately pass national hydrocarbon revenue-sharing legislation to ensure the equitable distribution of oil revenues in Iraq;

(2) the Government of Iraq should significantly increase its contribution to the funding of reconstruction projects in Iraq; and

(3) the United States Government, in the budget and appropriations process for fiscal years after fiscal year 2008, should reduce appropriations for reconstruction in Iraq by the amount of oil revenue that accrues to the Government of Iraq before the Government of Iraq enacts national hydrocarbon revenue-sharing legislation.

SA 5382. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

SEC. 2814. PROJECT MODIFICATION, BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.

(a) IN GENERAL.—The project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg Inlet, New Jersey, authorized by section 101(a)(1) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary of the Army, acting through the Chief of Engineers (referred to in this section as the “Secretary”), to carry out, at Federal expense, such measures as the Secretary determines to be necessary and appropriate in the public interest to address the handling of munitions placed on the beach during construction of the project before the date of enactment of this Act.

(b) TREATMENT OF COSTS.—Any cost incurred by the Secretary in carrying out subsection (a) shall not be considered to be a cost of constructing the project.

(c) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interest for any cost incurred by the non-Federal interest with respect to the removal and handling of the munitions referred to in subsection (a).

(d) ELIGIBLE ACTIVITIES.—Measures authorized under subsection (a) include monitoring, removal, and disposal of the munitions referred to in subsection (a).

SA 5383. Mr. LAUTENBERG (for himself, Mr. CASEY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VI, add the following:

SEC. 620. MONTHLY SPECIAL PAY FOR MEMBERS OF THE UNIFORMED SERVICES WHOSE SERVICE ON ACTIVE DUTY IS EXTENDED BY A STOP-LOSS ORDER OR SIMILAR MECHANISM.

(a) PAY REQUIRED.—

(1) IN GENERAL.—Subchapter I of chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

“§330a. **Special pay: members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism**

“(a) SPECIAL PAY.—A member of the uniformed services entitled to basic pay whose enlistment or period of obligated service is extended, or whose eligibility for retirement is suspended, pursuant to the exercise of an authority referred to in subsection (b) is entitled while on active duty during the period of such extension or suspension to special pay in the amount specified in subsection (c).

“(b) AUTHORITIES.—An authority referred to in this section is an authority for the extension of an enlistment or period of obligated service, or for suspension of eligibility for retirement, of a member of the uniformed services under a provision of law as follows:

“(1) Section 123 of title 10.

“(2) Section 12305 of title 10.

“(3) Any other provision of law (commonly referred to as a ‘stop-loss authority’) author-

izing the President to extend an enlistment or period of obligated service, or suspend an eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

“(c) MONTHLY AMOUNT.—The amount of special pay specified in this subsection is \$1,500 per month.

“(d) CONSTRUCTION WITH OTHER PAYS.—Special pay payable under this section is in addition to any other pay payable to members of the uniformed services by law.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 330 the following new item:

“330a. Special pay: members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of October 1, 2001.

SA 5384. Mr. LAUTENBERG (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 702. LIMITATIONS ON ADJUSTMENTS TO BENEFICIARY FEES FOR MILITARY HEALTH CARE.

(a) FINDINGS.—Congress makes the following findings:

(1) Career members of the uniformed services and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans.

(2) The nature and extent of these demands and sacrifices are never so evident as in wartime, not only during the current Global War on Terrorism, but also during the wars of the last 60 years when current retired members of the Armed Forces were on continuous call to go in harm’s way when and as needed.

(3) The demands and sacrifices are such that few Americans are willing to bear or accept them for a multi-decade career.

(4) A primary benefit of enduring the extraordinary sacrifices inherent in a military career is a range of extraordinary retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years.

(5) Many private sector firms are curtailing health benefits and shifting significantly higher costs to their employees, and one effect of such curtailment is that retired members of the uniformed services are turning for health care services to the Department of Defense, and its TRICARE program, for the health care benefits in retirement that they earned by their service in uniform.

(6) While the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, a large part of those efforts has been devoted to shifting a larger share of the costs of benefits under that program to retired members of the uniformed services.

(7) The cumulative increase in enrollment fees, deductibles, and copayments being proposed by the Department of Defense for health care benefits under the TRICARE program far exceeds the percentage increase in military retired pay since such fees, deductibles, and copayments were first required on the part of retired members of the uniformed services.

(8) Proposals of the Department of Defense for increases in the enrollment fees, deductibles, and copayments of retired members of the uniformed services who are participants in the TRICARE program fail to recognize adequately that such members paid the equivalent of enormous in-kind premiums for health care in retirement through their extended sacrifices by service in uniform.

(9) Some of the Nation's health care providers refuse to accept participants in the TRICARE program as patients because that program pays them significantly less than commercial insurance programs, and imposes unique administrative requirements, for health care services.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense and the Nation have a committed obligation to provide health care benefits to retired members of the uniformed services that exceeds the obligation of corporate employers to provide health care benefits to their employees;

(2) the Department of Defense has many additional options to constrain the growth of health care spending in ways that do not disadvantage retired members of the uniformed services who participate or seek to participate in the TRICARE program, and should pursue any and all such options rather than seeking large increases for enrollment fees, deductibles, and copayments for such retirees, and their families or survivors, who do participate in that program;

(3) any percentage increase in fees, deductibles, and copayments that may be considered under the TRICARE program for retired members of the uniformed services and their families or survivors should not in any case exceed the percentage increase in military retired pay; and

(4) any percentage increase in fees, deductibles, and copayments under the TRICARE program that may be considered for members of the uniformed services who are currently serving on active duty or in the Selected Reserve, and for the families of such members, should not exceed the percentage increase in basic pay for such members.

(c) LIMITATIONS ON CERTAIN INCREASES IN HEALTH CARE COSTS.—

(1) PHARMACY BENEFITS PROGRAM.—

(A) ONE-YEAR EXTENSION OF TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS.—Section 702 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 188) is amended by striking “September 30, 2008” and inserting “September 30, 2009”.

(B) LIMITATION ON INCREASES AFTER FISCAL YEAR 2009.—Section 1074g(a)(6) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(C) Effective as of October 1, 2009, the amount of any cost sharing requirements under this paragraph may not be increased in any year by a percentage that exceeds the percentage increase of the most recent increase in retired pay for members and former members of the armed forces under section 1401a(b)(2) of this title. To the extent that such increase for any year is less than one dollar, the accumulated increase may be carried over from year to year, rounded to the nearest dollar.”.

(2) PREMIUMS FOR TRICARE STANDARD FOR RESERVE COMPONENT MEMBERS WHO COMMIT TO SERVICE IN THE SELECTED RESERVE.—

(A) ONE-YEAR EXTENSION OF TEMPORARY PROHIBITION ON INCREASE IN PREMIUMS.—Section 1076d(d)(3) of such title is amended by striking “September 30, 2008” and inserting “September 30, 2009”.

(B) LIMITATION ON INCREASES AFTER FISCAL YEAR 2009.—Such section is further amended—

(i) by striking “The monthly amount” and inserting “(A) Subject to subparagraph (B), the monthly amount”; and

(ii) by adding at the end the following new subparagraph:

“(B) Effective as of October 1, 2009, the percentage increase in the amount of the premium in effect for a month for TRICARE Standard coverage under this section may not exceed a percentage equal to the percentage of the most recent increase in the rate of basic pay authorized for members of the uniformed services for a year.”.

(3) COPAYMENTS UNDER CHAMPUS.—

(A) ONE-YEAR EXTENSION OF TEMPORARY PROHIBITION ON INCREASE IN CHARGES FOR INPATIENT CARE.—Paragraph (3) of section 1086(b) of such title is amended in the first sentence by striking “September 30, 2008” and inserting “September 30, 2009”.

(B) LIMITATION ON INCREASES AFTER FISCAL YEAR 2009.—Such paragraph is further amended by inserting after the first sentence the following new sentence: “Effective as of October 1, 2009, the percentage increase charges for inpatient care under this paragraph may not exceed a percentage equal to the percentage of the most recent increase in the rate of basic pay authorized for members of the uniformed services for a year.”.

(4) PROHIBITION ON ENROLLMENT FEES FOR CERTAIN PERSONS UNDER CHAMPUS.—Section 1086(b) of such title is further amended by adding at the end the following new paragraph:

“(5) A person covered by subsection (c) may not be charged an enrollment fee for coverage under this section.”.

(5) AUTOMATIC ENROLLMENT FOR CERTAIN PERSONS UNDER CHAMPUS.—Section 1086(b) of such title is further amended by adding at the end the following new paragraph:

“(6) A person covered by subsection (c) shall not be subject to denial of claims for coverage under this section for failure to enroll for such coverage. To the extent enrollment may be required, enrollment shall be automatic for any such person filing a claim under this section.”.

(6) PREMIUMS AND OTHER CHARGES UNDER TRICARE.—

(A) ONE-YEAR EXTENSION OF TEMPORARY PROHIBITION ON INCREASE IN CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of such title is amended by striking “September 30, 2008” and inserting “September 30, 2009”.

(B) LIMITATION ON INCREASES AFTER FISCAL YEAR 2009.—Such section is further amended—

(i) by inserting “(1)” before “The Secretary of Defense”; and

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

“(2) Effective as of October 1, 2009, the percentage increase in the amount of any premium, deductible, copayment, or other charge prescribed by the Secretary under this subsection may not exceed the percentage increase of the most recent increase in retired pay for members and former members of the armed forces under section 1041a(b)(2) of this title.”.

SA 5385. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, after line 20, add the following:
SEC. 314. REPORT ON COMPLIANCE WITH ADMINISTRATIVE ORDERS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the steps that the Department of Defense has taken or plans to take, if any, to comply with any Unilateral Administrative Orders issued to the Department, or any component of the Department, in 2007 or 2008 by the Environmental Protection Agency under any of its imminent and substantial endangerment authorities. The report shall explain the legal basis for any decision by the Department of Defense, or any component of the Department of Defense, not to comply fully with any such order.

SA 5386. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. ENHANCEMENT OF PROTECTIONS FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS AGAINST SALE, FORECLOSURE, SEIZURE, OR SALE OF MORTGAGED PROPERTY.

(a) EXTENSION OF PERIOD AFTER MILITARY SERVICE COVERED BY GENERAL PROTECTIONS.—Section 303(c) of the Servicemembers Civil Relief Act (50 U.S.C. App. 533(c)) is amended by striking “90 days” and inserting “one year”.

(b) ENHANCEMENT OF PROTECTIONS FOR MEMBERS OF THE ARMED FORCES WHO SERVE IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM AND THEIR DEPENDENTS.—

(1) SCOPE OF PROTECTIONS.—This subsection applies to an obligation on real or personal property owned by a covered member of the Armed Forces, or by a dependent of a covered member of the Armed Forces, regardless of whether entered into before, on, or after the member's entry onto military service, on which the covered member or dependent, as the case may be, is still obligated and that is secured by a mortgage, trust deed, or other security in the nature of a mortgage.

(2) SALE OR FORECLOSURE.—

(A) IN GENERAL.—A sale, foreclosure, or seizure of property for breach of an obligation described in paragraph (1) shall not be valid if made during, or within one year after, the military service of a covered member of the Armed Forces, or the military service of the covered member of the Armed Forces concerned in the case of a dependent of such a member.

(B) NO WAIVER.—The limitations of subparagraph (A) are not waivable by a covered member of the Armed Forces pursuant to section 107 of the Servicemembers Civil Relief Act (50 U.S.C. App. 517).

(3) PROHIBITION ON ACTIONS FOR NON-PAYMENT OR DEFAULT.—No court shall have jurisdiction to hear any civil action against

a covered member of the Armed Forces or a dependent of a covered member of the Armed Forces for nonpayment or default on an obligation described in paragraph (1) during, or within 1 year after, the military service of the covered member or the covered member Armed Forces concerned, as the case may be.

(4) **RESPONSIBILITIES OF OBLIGORS.**—In the event a sale, foreclosure, or seizure of property for breach of an obligation described in paragraph (1) is prohibited by operation of paragraph (2) or (3), the obligor on the obligation shall—

(A) notify the covered member of the Armed Forces or dependent concerned, in writing, of the outstanding liability of the covered member or dependent, as the case may be, for principal and interest on the obligation; and

(B) if the obligor determines that a modification of the obligation or a reduction in the outstanding liability of the covered member or dependent for principal, interest, or both on the obligation is in the interest of the obligor and the covered member or dependent, as the case may be, notify the covered member or dependent, as the case may be, in writing, of—

(i) such determination; and

(ii) the actions to be taken by obligor and the covered member or dependent, as the case may be, to effectuate the modification or reduction.

(5) **EFFECT OF PROTECTIONS ON FUTURE FINANCIAL TRANSACTIONS.**—

(A) **COVERED MEMBERS.**—The application of paragraph (2), (3), (4), or (5) to an obligation described in paragraph (1) of a covered member of the Armed Forces shall be deemed to constitute the receipt by the covered member of a stay of a civil liability with respect to the obligation under the Servicemembers Civil Relief Act for purposes of section 108 of that Act (50 U.S.C. App. 518).

(B) **DEPENDENTS.**—In the event of the application of paragraph (2), (3), (4), or (5) to an obligation described in paragraph (1) of a dependent of a covered member of the Armed Forces, the dependent shall be deemed to be a servicemember receiving a stay of a civil liability with respect to the obligation under the Servicemembers Civil Relief Act for purposes of section 108 of that Act.

(6) **PENALTIES.**—The provisions of section 303(d) of the Servicemembers Civil Relief Act (50 U.S.C. 533(d)) shall apply to sales, foreclosures, and seizures of property, and attempted sales, foreclosures, and seizures of property, prohibited by paragraph (2).

(7) **DEFINITIONS.**—In this subsection:

(A) **COVERED MEMBER OF THE ARMED FORCES.**—The term “covered member of the Armed Forces” means a member of the Armed Forces, including a member of a Reserve component of the Armed Forces, who serves on active duty in the Armed Forces—

(i) in Iraq as part of Operation Iraqi Freedom; or

(ii) in Afghanistan as part of Operation Enduring Freedom.

(B) **DEPENDENT.**—The term “dependent”, in the case of a covered member of the Armed Forces, has the meaning given that term in section 101(4) of the Servicemembers Civil Relief Act (50 U.S.C. App. 511(4)).

(C) **MILITARY SERVICE.**—The term “military service”, in the case of a covered member of the Armed Forces, means service of the member on active duty in the Armed Forces—

(i) in Iraq as part of Operation Iraqi Freedom; or

(ii) in Afghanistan as part of Operation Enduring Freedom.

(8) **EFFECTIVE DATE.**—This subsection shall take effect on the date of the enactment of this Act.

SEC. 588. FINANCIAL SERVICES COUNSELING ON MORTGAGES AND MORTGAGE FORECLOSURES FOR MEMBERS OF THE ARMED FORCES WHO SERVE IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM, VETERANS, AND THEIR DEPENDENTS.

(a) **COUNSELING REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs and the Secretary of Housing and Urban Development, provide financial services counseling relating to mortgages and mortgage foreclosures to a veteran, covered member of the Armed Forces, or dependent of such veteran or covered member, upon request of such individual.

(2) **PROVISION AT NO COST TO RECIPIENT.**—Financial services counseling shall be provided under this section at no cost to the recipient.

(b) **ANNUAL OUTREACH PLAN.**—

(1) **PLAN REQUIRED.**—The Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs and the Secretary of Housing and Urban Development, develop and implement on an annual basis a plan for the provision of outreach to veterans, covered members of the Armed Forces, and their dependents on the financial services counseling available under this section.

(2) **ELEMENTS.**—Each plan under this subsection shall include—

(A) efforts to identify veterans, covered members of the Armed Forces, or dependents who are not otherwise enrolled in or registered for financial counseling services under other programs administered by the Secretary of Defense or the Secretary of Veterans Affairs; and

(B) provisions for informing veterans, covered members of the Armed Forces, and their dependents about loan modification programs, workout plans, foreclosure prevention, and other financial counseling programs available to them through the Department of Defense, the Department of Veterans Affairs, the Department of Housing and Urban Development, nonprofit organizations, and other Federal, State, and local initiatives.

(3) **CONSULTATION.**—In developing each plan under this subsection, the Secretary of Defense shall consult with, at a minimum, the following:

(A) Directors or other responsible officials of veterans service organizations.

(B) Representatives of other outreach programs for veterans.

(C) Nonprofit organizations.

(D) Other appropriate Federal, State, or local government agencies, individuals, or organizations.

(c) **COVERED MEMBER OF THE ARMED FORCES DEFINED.**—In this section, the term “covered member of the Armed Forces” means a member of the Armed Forces, including a member of a Reserve component of the Armed Forces, who serves on active duty in the Armed Forces—

(1) in Iraq as part of Operation Iraqi Freedom; or

(2) in Afghanistan as part of Operation Enduring Freedom.

SA 5387. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division C, add the following:

TITLE XXXIII—INTELLIGENCE AUTHORIZATIONS

SEC. 3301. DEFINITIONS.

In this title:

(1) **CONGRESSIONAL INTELLIGENCE COMMITTEES.**—The term “congressional intelligence committees” means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) **INTELLIGENCE COMMUNITY.**—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

Subtitle A—Budget and Personnel Authorizations

SEC. 3311. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 3312. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) **SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.**—The amounts authorized to be appropriated under section 3311 and, subject to section 3313, the authorized personnel levels as of September 30, 2009, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 3311, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _____ of the One Hundred Tenth Congress.

(b) **AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 3313. PERSONNEL LEVEL ADJUSTMENTS.

(a) **AUTHORITY FOR INCREASES.**—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2009 by the classified Schedule of Authorizations referred to in section 3312(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 5 percent of the number

of civilian personnel authorized under such section for such element.

(b) **TRANSITION TO FULL-TIME EQUIVALENCY.**—

(1) **TREATMENT FOR FISCAL YEAR 2009.**—For fiscal year 2009, the Director of National Intelligence, in consultation with the head of each element of the intelligence community, may treat the personnel ceilings authorized under the classified Schedule of Authorizations referred to in section 3312(a) as full-time equivalents.

(2) **CONSIDERATION.**—In exercising the authority described in paragraph (1), the Director of National Intelligence may consider the circumstances under which civilian employees are employed and accounted for at each element of the intelligence community in—

(A) a student program, trainee program, or similar program;

(B) reserve corps or equivalent status as a reemployed annuitant or other employee;

(C) a joint duty rotational assignment; or

(D) other full-time or part-time status.

(3) **NOTIFICATION TO CONGRESS.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall notify the congressional intelligence committees in writing of—

(A) the policies for implementing the authorities described in paragraphs (1) and (2); and

(B) the number of all civilian personnel employed by, or anticipated to be employed by, each element of the intelligence community during fiscal year 2009 accounted for—

- (i) by position;
- (ii) by full-time equivalency; or
- (iii) by any other method.

(4) **TREATMENT FOR FISCAL YEAR 2010.**—The Director of National Intelligence shall express the personnel levels for all civilian employees for each element of the intelligence community in the congressional budget justifications submitted for fiscal year 2010 as full-time equivalent positions.

(c) **AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACTORS.**—

(1) **IN GENERAL.**—In addition to the authority in subsection (a) and subject to paragraph (2), if the head of an element of the intelligence community makes a determination that activities currently being performed by contractor employees should be performed by employees of such element, the Director of National Intelligence may authorize for that purpose employment of additional full-time equivalent personnel in such element equal to the number of full-time equivalent contractor employees performing such activities.

(2) **CONCURRENCE AND APPROVAL.**—The authority described in paragraph (1) may not be exercised unless the Director of National Intelligence concurs with the determination described in such paragraph and the Director of the Office of Management and Budget approves such determination.

(d) **NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.**—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a) or (b).

SEC. 3314. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2009 the sum of \$696,742,000.

(b) **AUTHORIZED PERSONNEL LEVELS.**—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 944 full-time or full-time equivalent personnel as of September 30, 2009. Personnel serving in such

elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) **CONSTRUCTION OF AUTHORITIES.**—The Director of National Intelligence may use the authorities described in subsections (a) and (c) of section 3313 for the adjustment of personnel levels within the Intelligence Community Management Account.

(d) **CLASSIFIED AUTHORIZATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2009 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 3312(a). Such additional amounts for advanced research and development shall remain available until September 30, 2010.

(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2009, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 3312(a).

Subtitle B—Central Intelligence Agency Retirement and Disability System

SEC. 3321. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2009 the sum of \$279,200,000.

SA 5388. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS.

(a) **CONTENT OF REPORTS.**—Clause (ii) of section 102A(q)(1)(C) of the National Security Act of 1947 (50 U.S.C. 403-1(q)(1)(C)) is amended by striking the period at the end and inserting “that includes—

“(I) the current total acquisition cost for such system, and the history of such cost from the date the system was first included in a report under this clause to the end of the calendar quarter immediately preceding the submittal of the report;

“(II) the current development schedule for such system, including an estimate of annual development costs until development is completed;

“(III) the planned procurement schedule for such system, including the best estimate of the Director of National Intelligence of the annual costs and units to be procured until procurement is completed;

“(IV) a full life-cycle cost analysis for such system;

“(V) the result of any significant test and evaluation of such system as of the date of the submittal of the report, or, if a significant test and evaluation has not been conducted, a statement of the reasons therefor and the results of any other test and evaluation that has been conducted of such system;

“(VI) the reasons for any change in acquisition cost, or schedule, for such system

from the previous report under this clause, if applicable;

“(VII) each major contract related to such system; and

“(VIII) if there is any cost or schedule variance under a contract referred to in subclause (VII) since the previous report under this clause, the reasons for such cost or schedule variance.”.

(b) **DETERMINATION OF INCREASE IN COSTS.**—Subsection (q) of section 102A of the National Security Act of 1947 (50 U.S.C. 403-1) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraph (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) Any determination of a percentage increase in the acquisition costs of a major system for which a report is filed under paragraph (1)(C)(ii) shall be stated in terms of constant dollars from the first fiscal year in which funds are appropriated for such system.”.

(c) **DEFINITIONS.**—Paragraph (5) of such subsection (q), as redesignated by subsection (b)(1) of this section, is amended to read as follows:

“(5) In this subsection:

“(A) The term ‘acquisition cost’, with respect to a major system, means the amount equal to the total cost for development and procurement of, and system-specific construction for, such system.

“(B) The term ‘full life-cycle cost’, with respect to the acquisition of a major system, means all costs of development, procurement, construction, deployment, and operation and support for such program, without regard to funding source or management control, including costs of development and procurement required to support or utilize such system.

“(C) The term ‘intelligence program’, with respect to the acquisition of a major system, means a program that—

“(i) is carried out to acquire such major system for an element of the intelligence community; and

“(ii) is funded in whole out of amounts available for the National Intelligence Program.

“(D) The term ‘major contract’, with respect to a major system acquisition, means each of the 6 largest prime, subordinate, or government-furnished equipment contracts under the program that is in excess of \$40,000,000 and that is not a firm, fixed price contract.

“(E) The term ‘major system’ has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

“(F) The term ‘significant test and evaluation’ means the functional or environmental testing of a major system or of the subsystems that combine to create a major system.”.

SEC. 1084. EXCESSIVE COST GROWTH OF MAJOR SYSTEMS.

(a) **NOTIFICATION.**—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

“EXCESSIVE COST GROWTH OF MAJOR SYSTEMS

“SEC. 506B. (a) **COST INCREASES OF AT LEAST 25 PERCENT.**—(1)(A) On a continuing basis, and separate from the submission of any other report on a major system required by this Act, the program manager shall determine if the acquisition cost of such major system has increased by at least 25 percent as compared to the baseline cost of such major system.

“(B) Not later than 10 days after the date that a program manager determines that an increase described in subparagraph (A) has

occurred, the program manager shall submit to the Director of National Intelligence notification of such increase.

“(2)(A) If, after receiving a notification described in paragraph (1)(B), the Director of National Intelligence determines that the acquisition cost of a major system has increased by at least 25 percent, the Director shall submit to the congressional intelligence committees a written notification of such determination as described in subparagraph (B), a description of the amount of the increase in the acquisition cost of such major system, and a certification as described in subparagraph (C).

“(B) The notification required by subparagraph (A) shall include—

“(i) an updated cost estimate;

“(ii) the date on which the determination covered by such notification was made;

“(iii) contract performance assessment information with respect to each significant contract or sub-contract related to such major system, including the name of the contractor, the phase of the contract at the time of the report, the percentage of work under the contract that has been completed, any change in contract cost, the percentage by which the contract is currently ahead or behind schedule, and a summary explanation of significant occurrences, such as cost and schedule variances, and the effect of such occurrences on future costs and schedules;

“(iv) the prior estimate of the full life-cycle cost for such major system, expressed in constant dollars and in current year dollars;

“(v) the current estimated full life-cycle cost of such major system, expressed in constant dollars and current year dollars;

“(vi) a statement of the reasons for any increases in the full life-cycle cost of such major system;

“(vii) the current change and the total change, in dollars and expressed as a percentage, in the full life-cycle cost applicable to such major system, stated both in constant dollars and current year dollars;

“(viii) the completion status of such major system expressed as the percentage—

“(I) of the total number of years for which funds have been appropriated for such major system compared to the number of years for which it is planned that such funds will be appropriated; and

“(II) of the amount of funds that have been appropriated for such major system compared to the total amount of such funds which it is planned will be appropriated;

“(ix) the action taken and proposed to be taken to control future cost growth of such major system; and

“(x) any changes made in the performance or schedule of such major system and the extent to which such changes have contributed to the increase in full life-cycle costs of such major system.

“(C) The certification described in this subparagraph is a written certification made by the Director and submitted to the congressional intelligence committees that—

“(i) the acquisition of such major system is essential to the national security;

“(ii) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

“(iii) the new estimates of the full life-cycle cost for such major system are reasonable; and

“(iv) the management structure for the acquisition of such major system is adequate to manage and control full life-cycle cost of such major system.

“(b) COST INCREASES OF AT LEAST 50 PERCENT.—(1)(A) On a continuing basis, and separate from the submission of any report on a major system required by section 506B of

this Act, the program manager shall determine if the acquisition cost of such major system has increased by at least 50 percent as compared to the baseline cost of such major system.

“(B) Not later than 10 days after the date that a program manager determines that an increase described in subparagraph (A) has occurred, the program manager shall submit to the Director of National Intelligence notification of such increase.

“(2) If, after receiving a notification described in paragraph (1)(B), the Director of National Intelligence determines that the acquisition cost of a major system has increased by at least 50 percent as compared to the baseline cost of such major system, the Director shall submit to the congressional intelligence committees a written certification stating that—

“(A) the acquisition of such major system is essential to the national security;

“(B) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

“(C) the new estimates of the full life-cycle cost for such major system are reasonable;

“(D) the management structure for the acquisition of such major system is adequate to manage and control the full life-cycle cost of such major system; and

“(E) if milestone decision authority had been delegated to the program manager, such authority is revoked and returned to the Director, except with respect to Department of Defense programs, such authority is revoked and returned to the Director and the Secretary of Defense, jointly.

“(3) In addition to the certification required by paragraph (2), the Director of National Intelligence shall submit to the congressional intelligence committees an updated notification, with current accompanying information, as required by subsection (a)(2).

“(c) PROHIBITION ON OBLIGATION OF FUNDS.—(1) If a written certification required under subsection (a)(2)(A) is not submitted to the congressional intelligence committees within 60 days of the determination made under subsection (a)(1), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (a)(2)(A).

“(2) If a written certification required under subsection (b)(2) is not submitted to the congressional intelligence committees within 60 days of the determination made under subsection (b)(2), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds for the acquisition of a major system shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (b)(3).

“(d) DEFINITIONS.—In this section:

“(1) The term ‘acquisition cost’, with respect to a major system, means the amount equal to the total cost for development and procurement of, and system-specific construction for, such system.

“(2) The term ‘baseline cost’, with respect to a major system, means the projected acquisition cost of such system that is approved by the Director of National Intelligence at Milestone B or an equivalent acquisition decision for the development, procurement, and construction of such system.

The baseline cost may be in the form of an independent cost estimate.

“(3) The term ‘full life-cycle cost’, with respect to the acquisition of a major system, means all costs of development, procurement, construction, deployment, and operation and support for such program, without regard to funding source or management control, including costs of development and procurement required to support or utilize such system.

“(4) The term ‘independent cost estimate’ has the meaning given that term in section 506A(e).

“(5) The term ‘major system’ has the meaning given that in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

“(6) The term ‘Milestone B’ means a decision to enter into system development, integration, and demonstration pursuant to guidance prescribed by the Director of National Intelligence.

“(7) The term ‘program manager’, with respect to a major system, means—

“(A) the head of the element of the intelligence community which is responsible for the budget, cost, schedule, and performance of the major system; or

“(B) in the case of a major system within the Office of the Director of National Intelligence, the deputy who is responsible for the budget, cost, schedule, and performance of the major system.”

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506A the following:

“Sec. 506B. Excessive cost growth of major systems.”

SA 5389. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

“VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

“SEC. 506B. (a) INITIAL VULNERABILITY ASSESSMENTS.—The Director of National Intelligence shall conduct an initial vulnerability assessment for any major system and its significant items of supply that is proposed for inclusion in the National Intelligence Program prior to completion of Milestone B or an equivalent acquisition decision. The initial vulnerability assessment of a major system and its significant items of supply shall, at a minimum, use an analysis-based approach to—

“(1) identify vulnerabilities;

“(2) define exploitation potential;

“(3) examine the system’s potential effectiveness;

“(4) determine overall vulnerability; and

“(5) make recommendations for risk reduction.

“(b) SUBSEQUENT VULNERABILITY ASSESSMENTS.—(1) The Director of National Intelligence shall conduct subsequent vulnerability assessments of each major system

and its significant items of supply within the National Intelligence Program—

“(A) periodically throughout the life span of the major system;

“(B) whenever the Director determines that a change in circumstances warrants the issuance of a subsequent vulnerability assessment; or

“(C) upon the request of a congressional intelligence committee.

“(2) Any subsequent vulnerability assessment of a major system and its significant items of supply shall, at a minimum, use an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in paragraphs (1) through (5) of subsection (a).

“(c) MAJOR SYSTEM MANAGEMENT.—The Director of National Intelligence shall give due consideration to the vulnerability assessments prepared for a given major system when developing and determining the annual consolidated National Intelligence Program budget.

“(d) CONGRESSIONAL OVERSIGHT.—(1) The Director of National Intelligence shall provide to the congressional intelligence committees a copy of each vulnerability assessment conducted under subsection (a) not later than 10 days after the date of the completion of such assessment.

“(2) The Director of National Intelligence shall provide the congressional intelligence committees with a proposed schedule for subsequent vulnerability assessments of a major system under subsection (b) when providing such committees with the initial vulnerability assessment under subsection (a) of such system as required by subsection (d).

“(3) The results of vulnerability assessments conducted under subsection (b) shall be included in the report to Congress required by section 102A(q).

“(e) DEFINITIONS.—In this section:

“(1) The term ‘items of supply’—

“(A) means any individual part, component, subassembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the major system, including spare parts and replenishment parts; and

“(B) does not include packaging or labeling associated with shipment or identification of items.

“(2) The term ‘major system’ has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

“(3) The term ‘Milestone B’ means a decision to enter into system development, integration, and demonstration pursuant to guidance prescribed by the Director of National Intelligence.

“(4) The term ‘vulnerability assessment’ means the process of identifying and quantifying vulnerabilities in a major system and its significant items of supply.”

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506A the following:

“Sec. 506B. Vulnerability assessments of major systems.”

SA 5390. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) RESPONSIBILITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Subsection (b) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3)—

(A) by striking “2004,” and inserting “2004 (Public Law 108-458; 50 U.S.C. 403 note),”; and

(B) by striking the period at the end and inserting a semicolon and “and”; and

(3) by adding after paragraph (3), the following new paragraph:

“(4) conduct accountability reviews of elements of the intelligence community and the personnel of such elements, if appropriate.”

(b) TASKING AND OTHER AUTHORITIES.—Subsection (f) of section 102A of such Act (50 U.S.C. 403-1) is amended—

(1) by redesignating paragraphs (7) and (8), as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6), the following new paragraph:

“(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary, or may, if requested by a congressional intelligence committee, conduct an accountability review of an element of the intelligence community or the personnel of such element in relation to a failure or deficiency within the intelligence community.

“(B) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting an accountability review under subparagraph (A).

“(C)(i) The Director of National Intelligence shall provide the findings of an accountability review conducted under subparagraph (A) and the Director’s recommendations for corrective or punitive action, if any, to the head of the applicable element of the intelligence community. Such recommendations may include a recommendation for dismissal of personnel.

“(ii) If the head of such element does not implement a recommendation made by the Director under clause (i), the head of such element shall submit to the congressional intelligence committees a notice of the determination not to implement the recommendation, including the reasons for the determination.

“(D) The requirements of this paragraph shall not limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.”

SA 5391. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. FUTURE BUDGET PROJECTIONS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

“FUTURE BUDGET PROJECTIONS

“SEC. 506B. (a) FUTURE YEAR INTELLIGENCE PLANS.—(1) The Director of National Intel-

ligence, with the concurrence of the Office of Management and Budget, shall provide to the congressional intelligence committees a Future Year Intelligence Plan, as described in paragraph (2), for—

“(A) each expenditure center in the National Intelligence Program; and

“(B) each major system in the National Intelligence Program.

“(2)(A) A Future Year Intelligence Plan submitted under this subsection shall include the year-by-year proposed funding for each center or system referred to in subparagraph (A) or (B) of paragraph (1), for the budget year in which the Plan is submitted and not less than the 4 subsequent budget years.

“(B) A Future Year Intelligence Plan submitted under subparagraph (B) of paragraph (1) for a major system shall include—

“(i) the estimated total life-cycle cost of such major system; and

“(ii) any major acquisition or programmatic milestones for such major system.

“(b) LONG-TERM BUDGET PROJECTIONS.—(1) The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide to the congressional intelligence committees a Long-term Budget Projection for each element of the National Intelligence Program acquiring a major system that includes the budget for such element for the 10-year period following the last budget year for which proposed funding was submitted under subsection (a)(2)(A).

“(2) A Long-term Budget Projection submitted under paragraph (1) shall include, at a minimum, projections for the appropriate element of the intelligence community for—

“(A) pay and benefits of officers and employees of such element;

“(B) other operating and support costs and minor acquisitions of such element;

“(C) research and technology required by such element;

“(D) current and planned major system acquisitions for such element; and

“(E) any unplanned but necessary next-generation major system acquisitions for such element.

“(c) SUBMISSION TO CONGRESS.—Each Future Year Intelligence Plan or Long-term Budget Projection required under subsection (a) or (b) shall be submitted to Congress along with the budget for a fiscal year submitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code.

“(d) CONTENT OF LONG-TERM BUDGET PROJECTIONS.—(1) Each Long-term Budget Projection submitted under subsection (b) shall include—

“(A) a budget projection based on constrained budgets, effective cost and schedule execution of current or planned major system acquisitions, and modest or no cost-growth for undefined, next-generation systems; and

“(B) a budget projection based on constrained budgets, modest cost increases in executing current and planned programs, and more costly next-generation systems.

“(2) Each budget projection required by paragraph (1) shall include a description of whether, and to what extent, the total projection for each year exceeds the level that would result from applying the most recent Office of Management and Budget inflation estimate to the budget of that element of the intelligence community.

“(e) INCREASE IN FUTURE BUDGET PROJECTIONS.—(1) Not later than 30 days prior to the date that an element of the intelligence community may proceed to Milestone A, Milestone B, or an analogous stage of system development, in the acquisition of a major

system in the National Intelligence Program, the Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide a report on such major system to the congressional intelligence committees.

“(2)(A) A report submitted under paragraph (1) shall include an assessment of whether, and to what extent, such acquisition, if developed, procured, and operated, is projected to cause an increase in the most recent Future Year Intelligence Plan and Long-term Budget Projection for that element of the intelligence community.

“(B) If an increase is projected under subparagraph (A), the report required by this subsection shall include a specific finding, and the reasons therefor, by the Director of National Intelligence and the Director of the Office of Management and Budget that such increase is necessary for national security.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘major system’ has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

“(2) The term ‘Milestone A’ means a decision to enter into concept refinement and technology maturity demonstration pursuant to guidance issued by the Director of National Intelligence.

“(3) The term ‘Milestone B’ means a decision to enter into system development, integration, and demonstration pursuant to guidance prescribed by the Director of National Intelligence.”

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506A the following:

“Sec. 506F. Future budget projections.”

(c) DEFINITION OF MAJOR SYSTEM.—Paragraph (3) of section 506A(e) of the National Security Act of 1947 (50 U.S.C. 415a-1(e)) is amended to read as follows:

“(3) The term ‘major system’ has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).”

SA 5392. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

“SEC. 506B. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

“(a) REQUIREMENT TO PROVIDE.—The Director of National Intelligence shall, in consultation with the head of the element of the intelligence community concerned, prepare an annual personnel level assessment for such element of the intelligence community that assesses the personnel levels for each such element for the fiscal year following the fiscal year in which the assessment is submitted.

“(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the

congressional intelligence committees each year along with the budget submitted by the President under section 1105 of title 31, United States Code.

“(c) CONTENTS.—Each assessment required by subsection (a) submitted during a fiscal year shall contain, at a minimum, the following information for the element of the intelligence community concerned:

“(1) The budget submission for personnel costs for the upcoming fiscal year.

“(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

“(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the prior 5 fiscal years.

“(4) The number of personnel positions requested for the upcoming fiscal year.

“(5) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of the current fiscal year.

“(6) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions during the prior 5 fiscal years.

“(7) The best estimate of the number and costs of contractors to be funded by the element for the upcoming fiscal year.

“(8) The numerical and percentage increase or decrease of such costs of contractors as compared to the best estimate of the costs of contractors of the current fiscal year.

“(9) A written justification for the requested personnel and contractor levels.

“(10) The number of intelligence collectors and analysts employed or contracted by each element of the intelligence community.

“(11) A list of all contractors that have been the subject of an investigation completed by the Inspector General of any element of the intelligence community during the preceding fiscal year, or are or have been the subject of an investigation by such an Inspector General during the current fiscal year.

“(12) A statement by the Director of National Intelligence that, based on current and projected funding, the element concerned will have sufficient—

“(A) internal infrastructure to support the requested personnel and contractor levels;

“(B) training resources to support the requested personnel levels; and

“(C) funding to support the administrative and operational activities of the requested personnel levels.”

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 506A the following new item:

“Sec. 506B. Annual personnel levels assessment for the intelligence community.”

SA 5393. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 455, after line 19, add the following:

SEC. 2822. LAND CONVEYANCE, F.E. WARREN AIR FORCE BASE, CHEYENNE, WYOMING.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the

County of Laramie, Wyoming (in this section referred to as the “County”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 73 acres along the southeastern boundary of F.E. Warren Air Force Base, Cheyenne, Wyoming, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the entire property for healthcare facilities.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the County shall provide the United States consideration, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof, in an amount that is not less than the fair market value of the conveyed real property, as determined by the Secretary.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the County under paragraph (1) shall include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure relating to the security of F.E. Warren Air Force Base, that the Secretary considers acceptable.

(3) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities or infrastructure received by the United States as in-kind consideration under paragraph (2).

(4) NOTICE TO CONGRESS.—The Secretary shall provide written notification to the congressional defense committees of the types and value of consideration provided the United States under paragraph (1).

(5) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States under paragraph (1) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B)(ii) of such subsection.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the County is not using the property conveyed under subsection (a) in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) RELEASE OF REVERSIONARY INTEREST.—The Secretary shall release, without consideration, the reversionary interest retained by the United States under paragraph (1) if—

(A) F.E. Warren Air Force Base, Cheyenne Wyoming, is no longer being used for Department of Defense activities; or

(B) the Secretary determines that the reversionary interest is otherwise unnecessary to protect the interests of the United States.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a) and implement the receipt of in-kind consideration under paragraph (b), including survey costs, appraisal costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of in-kind consideration. If amounts are received from the

County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance and implementing the receipt of in-kind consideration. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 5394. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 539. REPORT ON REQUIREMENTS OF THE NATIONAL GUARD FOR NON-DUAL STATUS TECHNICIANS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth the following:

(1) A description of the current requirements of the National Guard for non-dual status technicians

(2) A description of various means of addressing any shortfalls in meeting such requirements, including both temporary shortfalls and permanent shortfalls.

(b) CONSIDERATIONS.—The report required by subsection (a) shall take into consideration the effects of the mobilization of large numbers of National Guard military technicians (dual status) on the readiness of National Guard units in critically important areas and on the capacity of the National Guard to continue performing home-based missions and responsibilities for the States.

SA 5395. Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 458, between lines 12 and 13, insert the following:

SEC. 2842. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF ADDITIONAL BUILDING AT NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE, WRIGHT-PATTERSON AIR FORCE BASE.

(a) ACCEPTANCE AUTHORIZED.—The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private nonprofit corporation, gifts in the form of cash, treasury instruments, or comparable United States securities for the purpose of paying the costs of design and construction of a fourth building for the National Museum of the United States Air Force at Wright-Patterson Air Force Base, Ohio. In making a gift, the Air Force Museum Foundation may specify that all or part of the amount of the gift be utilized solely for the purpose of the design and construction of a particular portion of the building.

(b) ESCROW ACCOUNT.—

(1) DEPOSIT OF GIFTS.—The Secretary of the Air Force, acting through the Director of Financial Management of the Air Force Materiel Command (in this section referred to as the “Director”), shall deposit the amount of any gift accepted under subsection (a) in an escrow account established for that purpose.

(2) INVESTMENT.—Amounts in the escrow account not required to meet current requirements of the account shall be invested in public debt securities with maturities suitable to the needs of the account, as determined by the Director, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable securities. The income on such investments shall be credited to and form a part of the account.

(3) LIQUIDATION.—Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary shall terminate the escrow account. Any amounts remaining in the account upon termination shall be available to the Secretary, in such amounts as are provided in advance in appropriations Acts, for such purposes as the Secretary considers appropriate.

(c) USE OF GIFTS.—

(1) DESIGN AND CONSTRUCTION.—The Director shall use amounts in the escrow account, including income on investments, to pay the costs of the design and construction of a fourth building for the National Museum of the United States Air Force, including progress payments for such design and construction, subject to any conditions imposed by the Air Force Museum Foundation under subsection (a). Amounts in the account shall be available to the Director, in such amounts as are provided in advance in appropriations Acts, until expended.

(2) TIME FOR PAYMENT.—Amounts shall be payable under paragraph (1) upon receipt by the Director of a notification from the technical representative of the contracting officer that construction activities for which such amounts are payable under paragraph (1) have been undertaken. To the maximum extent practicable consistent with good business practice, the Director shall limit payment of amounts from the account in order to maximize the return on investment of amounts in the account.

(d) LIMITATION ON CONTRACTS.—The Secretary of the Air Force may not initiate a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account are sufficient to cover the amount of the contract.

SA 5396. Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him

to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 458, between lines 12 and 13, insert the following:

SEC. 2842. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF ADDITIONAL BUILDING AT NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE, WRIGHT-PATTERSON AIR FORCE BASE.

(a) ACCEPTANCE AUTHORIZED.—The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private nonprofit corporation, gifts in the form of cash, treasury instruments, or comparable United States securities for the purpose of paying the costs of design and construction of a fourth building for the National Museum of the United States Air Force at Wright-Patterson Air Force Base, Ohio. In making a gift, the Air Force Museum Foundation may specify that all or part of the amount of the gift be utilized solely for the purpose of the design and construction of a particular portion of the building.

(b) ESCROW ACCOUNT.—

(1) DEPOSIT OF GIFTS.—The Secretary of the Air Force, acting through the Director of Financial Management of the Air Force Materiel Command (in this section referred to as the “Director”), shall deposit the amount of any gift accepted under subsection (a) in an escrow account established for that purpose.

(2) INVESTMENT.—Amounts in the escrow account not required to meet current requirements of the account shall be invested in public debt securities with maturities suitable to the needs of the account, as determined by the Director, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable securities. The income on such investments shall be credited to and form a part of the account.

(3) LIQUIDATION.—Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary shall terminate the escrow account. Any amounts remaining in the account upon termination shall be available to the Secretary, in such amounts as are provided in advance in appropriations Acts, for such purposes as the Secretary considers appropriate.

(c) USE OF GIFTS.—

(1) DESIGN AND CONSTRUCTION.—The Director shall use amounts in the escrow account, including income on investments, to pay the costs of the design and construction of a fourth building for the National Museum of the United States Air Force, including progress payments for such design and construction, subject to any conditions imposed by the Air Force Museum Foundation under subsection (a). Amounts in the account shall be available to the Director, in such amounts as are provided in advance in appropriations Acts, until expended.

(2) TIME FOR PAYMENT.—Amounts shall be payable under paragraph (1) upon receipt by the Director of a notification from the technical representative of the contracting officer that construction activities for which such amounts are payable under paragraph (1) have been undertaken. To the maximum extent practicable consistent with good business practice, the Director shall limit payment of amounts from the account in order to maximize the return on investment of amounts in the account.

(d) LIMITATION ON CONTRACTS.—The Secretary of the Air Force may not initiate a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account are sufficient to cover the amount of the contract.

SA 5397. Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1215. AVAILABILITY OF APPROPRIATED FUNDS FOR INTERNATIONAL MILITARY-TO-CIVILIAN AND CIVILIAN-TO-CIVILIAN CONTACT ACTIVITIES CONDUCTED BY THE NATIONAL GUARD.

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, as amended by section 1202 of this Act, is further amended by inserting after section 2249d the following new section:

“§ 2249e. International military-civilian contact activities conducted by the National Guard: availability of appropriated funds

“(a) AVAILABILITY OF APPROPRIATED FUNDS.—Funds appropriated to the Department of Defense shall be available for the payment of costs incurred by the National Guard (including the costs of pay and allowances of members of the National Guard) in conducting international military-to-civilian contacts, civilian-to-civilian contacts, and comparable activities for purposes as follows:

“(1) To support the objectives of the commander of the combatant command for the theater of operations in which such contacts and activities are conducted.

“(2) To build international civil-military partnerships and capacity.

“(3) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments.

“(4) To facilitate intergovernmental collaboration between the United States Government and foreign governments.

“(5) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

“(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for contacts and activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

“(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in contacts and activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

“(c) REIMBURSEMENT.—In the event of the participation of personnel of a department or agency of the United States Government (other than the Department of Defense) in contacts and activities for which payment is made under subsection (a), the head of such department or agency shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reim-

bursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘military-to-civilian contacts’ means the following:

“(A) Contacts between members of the armed forces and foreign civilian personnel.

“(B) Contacts between members of foreign armed forces and United States civilian personnel.

“(2) The term ‘civilian-to-civilian contacts’ means contacts between United States civilian personnel and foreign civilian personnel.

“(3) The term ‘United States civilian personnel’ means the following:

“(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

“(B) Members and employees of the legislative branch, and non-governmental individuals, if the participation of such individuals in contacts and activities described in subsection (a)—

“(i) contributes to responsible management of defense resources;

“(ii) fosters greater respect for and understanding of the principle of civilian control of the military;

“(iii) contributes to cooperation between foreign military and civilian government agencies and United States military and civilian governmental agencies; or

“(iv) improves international partnerships and capacity on matters relating to defense and security.

“(4) The term ‘foreign civilian personnel’ means the following:

“(A) Civilian personnel of foreign governments at any level (including personnel of ministries other than ministries of defense).

“(B) Non-governmental individuals of foreign countries, if the participation of such individuals in contacts and activities described in subsection (a) will further the achievement of any matter set forth in clauses (i) through (iv) of paragraph (3)(B).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 134 of such title, as so amended, is further amended by inserting after the item relating to section 2249d the following new item:

“2249e. International military-civilian contact activities conducted by the National Guard: availability of appropriated funds.”.

SA 5398. Mr. VOINOVICH (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1215. AVAILABILITY OF APPROPRIATED FUNDS FOR INTERNATIONAL MILITARY-TO-CIVILIAN AND CIVILIAN-TO-CIVILIAN CONTACT ACTIVITIES CONDUCTED BY THE NATIONAL GUARD.

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, as amended by section 1202 of this Act, is further amended by inserting after section 2249d the following new section:

“§ 2249e. International military-civilian contact activities conducted by the National Guard: availability of appropriated funds

“(a) AVAILABILITY OF APPROPRIATED FUNDS.—Funds appropriated to the Department of Defense shall be available for the payment of costs incurred by the National Guard (including the costs of pay and allowances of members of the National Guard) in conducting international military-to-civilian contacts, civilian-to-civilian contacts, and comparable activities for purposes as follows:

“(1) To support the objectives of the commander of the combatant command for the theater of operations in which such contacts and activities are conducted.

“(2) To build international civil-military partnerships and capacity.

“(3) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments.

“(4) To facilitate intergovernmental collaboration between the United States Government and foreign governments.

“(5) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

“(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for contacts and activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

“(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in contacts and activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

“(c) REIMBURSEMENT.—In the event of the participation of personnel of a department or agency of the United States Government (other than the Department of Defense) in contacts and activities for which payment is made under subsection (a), the head of such department or agency shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘military-to-civilian contacts’ means the following:

“(A) Contacts between members of the armed forces and foreign civilian personnel.

“(B) Contacts between members of foreign armed forces and United States civilian personnel.

“(2) The term ‘civilian-to-civilian contacts’ means contacts between United States civilian personnel and foreign civilian personnel.

“(3) The term ‘United States civilian personnel’ means the following:

“(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

“(B) Members and employees of the legislative branch, and non-governmental individuals, if the participation of such individuals in contacts and activities described in subsection (a)—

“(i) contributes to responsible management of defense resources;

“(ii) fosters greater respect for and understanding of the principle of civilian control of the military;

“(iii) contributes to cooperation between foreign military and civilian government agencies and United States military and civilian governmental agencies; or

“(iv) improves international partnerships and capacity on matters relating to defense and security.

“(4) The term ‘foreign civilian personnel’ means the following:

“(A) Civilian personnel of foreign governments at any level (including personnel of ministries other than ministries of defense).

“(B) Non-governmental individuals of foreign countries, if the participation of such individuals in contacts and activities described in subsection (a) will further the achievement of any matter set forth in clauses (i) through (iv) of paragraph (3)(B).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 134 of such title, as so amended, is further amended by inserting after the item relating to section 2249d the following new item:

“2249e. International military-civilian contact activities conducted by the National Guard; availability of appropriated funds.”.

SA 5399. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. IMPROVEMENT OF POLICIES AND PRACTICES OF THE ARMED FORCES REGARDING PREVENTION AND RESPONSE TO SEXUAL ASSAULT AND RAPE.

(a) STRATEGY TO ENCOURAGE INVESTIGATION AND PROSECUTION OF CASES.—

(1) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall develop a comprehensive strategy to increase and encourage the prevention, investigation, and prosecution of cases of sexual assault and rape in the Armed Forces.

(2) BASIS FOR STRATEGY.—The strategy required by paragraph (1) shall be based on the following:

(A) An analysis of trends in the prevention and reporting of cases of sexual assaults and rape in the Armed Forces.

(B) A review of current training methods for all personnel involved in military investigations of cases of sexual assault and rape in the Armed Forces, including judge advocate general staff.

(C) A review of the capacity of the legal infrastructure of the Armed Forces to investigate and prosecute effectively cases of sexual assault in the Armed Forces.

(D) An identification and analysis of any additional barriers, such as the availability of staff and the adequacy of resources, on military installations and facilities in the United States and abroad, and in theaters of operations, to conduct effective investigations of cases of sexual assault and rape in the Armed Forces.

(E) A review of the disposition of cases of sexual assault and rape in the Armed Forces.

(F) Such other matters as the Secretary considers appropriate.

(3) ELEMENTS.—The strategy required by paragraph (1) shall include the following:

(A) Guidelines for expanding, enhancing, and developing programs for the Armed Forces on prevention and response to sexual assault and rape that use proven best-practice methods, support victims of sexual assault or rape, and focus on creating a culture with zero tolerance for sexual assault and rape.

(B) A plan for increased oversight of existing programs of the Armed Forces on prevention and response to sexual assault and rape, including the establishment of—

(i) performance metrics to evaluate the effectiveness of such programs; and

(ii) a timeline for the implementation of such metrics.

(C) In light of the review under paragraph (2)(B), recommendations for improvements to training described in that paragraph, and a timeline for the implementation of new training methods as a result of such review.

(D) A plan for increased communication and data sharing between the Sexual Assault Prevention and Response Office and other components of the Armed Forces, on the one hand, and the Department of Defense, on the other, to enhance coordination and oversight of cases of sexual assault and rape in the Armed Forces as such cases move through the legal process.

(E) In light of the review under paragraph (2)(C), recommendations for improvements to the legal infrastructure of the Armed Forces to ensure that the capacity of such infrastructure is adequate to meet the needs of victims of sexual assault in the Armed Forces.

(F) In light of the review under paragraph (2)(D), recommendations for ways to eliminate the barriers identified under that paragraph.

(G) Such other matters as the Secretary considers appropriate.

(b) POLICIES REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe policies for the Armed Forces as follows:

(1) To require military commanders to report on the outcomes of cases of sexual assault and rape in units under their command, including—

(A) a description of the actions taken to punish assailants;

(B) a description of any retaliatory measures experienced by victims; and

(C) a detailed justification for disposing of such cases through nonjudicial punishment or other administrative actions.

(2) To classify a military protective order as a standing military order, with such order to be overturned only after an investigation has occurred and appropriate command authorities have completely adjudicated allegations.

(3) To require notification to appropriate local civilian law enforcement agencies on any military protective order issued at a military installation to provide continuity of protection to victims of sexual assault or rape in the Armed Forces.

(4) To require that each member of the Armed Forces who has notified the member's command that the member has been sexually assaulted or raped is afforded an opportunity

to be transferred to another unit if a military protective order is issued.

SA 5400. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 309, after line 20, add the following:

SEC. 1068. IMPROVEMENT OF INFORMATION FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES ON UPGRADES OF DISCHARGE.

(a) CLARIFICATION AND IMPROVEMENT OF INFORMATION.—

(1) REQUIRED NOTICES.—

(A) NOTICE THAT UPGRADE IS NOT AUTOMATIC.—

(i) IN GENERAL.—Each member of the Armed Forces who is being considered for or processed for an administrative or any other type of discharge shall receive written notice that an upgrade in the characterization of discharge will not automatically result from review of the discharge by a board of review under section 1533 of title 10, United States Code. The notice shall be dated and shall be provided to the member at least 30 days prior to any deadline to elect a particular characterization or type of discharge or manner of processing.

(ii) RELATED CLARIFICATION.—The notice of discharge issued to a member of the Armed Forces upon discharge may not contain or include any information, references, or other material that is inconsistent with the notice required under clause (i).

(B) NOTICE OF RIGHT TO OBTAIN LEGAL COUNSEL.—

(i) IN GENERAL.—The written notice required under subparagraph (A) shall also advise the member in bold letters that the member has the right to meet with and discuss his or her discharge options with military legal counsel prior to electing a characterization or type of discharge or manner of processing. The notice must provide the name, rank, phone number, email address, and physical address of the military legal counsel responsible for providing legal advice to members.

(ii) DELAY IN PROCESSING.—Processing for the discharge of a member of the Armed Forces cannot proceed until the member has either met with military legal counsel or elected in writing not to do so. A member must be given at least 5 duty days after meeting with military legal counsel to make an election regarding characterization or type of discharge or manner of processing.

(C) ACKNOWLEDGMENT OF RECEIPT OF NOTICE.—A member of the Armed Forces receiving notices under subparagraphs (A) and (B) shall be required to acknowledge receipt of such notices by placement of his or her initials or other identifying sign or symbol next to the paragraph or paragraphs that contain such notices. The member shall be provided with a copy of the initialed notices, and a copy of such notices shall be retained in any personnel or other files maintained on such member by the Armed Forces.

(2) ENHANCEMENT OF INFORMATION ON APPLICATION FOR UPGRADE OF DISCHARGE.—Each Secretary concerned shall make available to the public through an Internet website available to the public and by other appropriate mechanisms, information on the means by which former members of the Armed Forces

under the jurisdiction of such Secretary may apply for a review and upgrade of their discharge from the Armed Forces under section 1553 of title 10, United States Code.

(3) ANNUAL REPORTS ON ACTIONS BY BOARDS OF REVIEW.—

(A) IN GENERAL.—Each Secretary concerned shall, on an annual basis, make available to the public information on the reviews of discharge or dismissal undertaken under section 1553 of title 10, United States Code, by boards of review under the jurisdiction of such Secretary during the preceding year. The information shall include, for each Armed Force, the following:

(i) The number of motions for review received by the boards of review during the year.

(ii) The number of reviews conducted by the boards of review during the year.

(iii) The number of discharges upgraded as a result of the reviews referred to in clause (i), set forth by aggregate number of discharges so upgraded and by number of each type of discharge so upgraded.

(B) PROTECTION OF PRIVATE INFORMATION.—Each Secretary concerned shall ensure that the information on reviews made available to the public under subparagraph (A) does not include any personal information regarding the members of the Armed Forces the discharges and dismissals of whom are the subject of such reviews.

(4) SECRETARY CONCERNED DEFINED.—In this subsection, the term “Secretary concerned” has the meaning given that term in section 101(a) of title 10, United States Code.

(b) ENHANCEMENT OF NOTICE TO MEMBERS OF THE ARMED FORCES ON CONSEQUENCES OF DISCHARGE STATUS FOR BENEFITS AND SERVICES THROUGH THE FEDERAL GOVERNMENT.—

(1) IN GENERAL.—The Secretary of Defense shall take appropriate actions to ensure that each member of the Armed Forces receives at the time of discharge from the Armed Forces comprehensive information, in writing, on the effect of the discharge status of such member on the benefits and services available to such member through the Department of Defense, the Department of Veterans Affairs, and any other department or agency of the Federal Government providing benefits or services to individuals in their status as former members of the Armed Forces.

(2) INFORMATION ON UPGRADE OF DISCHARGE.—The information provided pursuant to paragraph (1) shall include the information described in subsection (a)(2).

(c) REQUIREMENT TO TEST MEMBERS OF THE ARMED FORCES FOR CERTAIN INJURIES AND CONDITIONS BEFORE DISCHARGING FOR PERSONALITY DISORDERS.—

(1) TESTING REQUIREMENT.—The Secretary of a military department may not discharge from the Armed Forces for personality disorder any member of the Armed Forces unless such member has undergone testing by the Department of Defense for post-traumatic stress disorder, traumatic brain injury, and any related mental health disorder or injury prior to final action with respect to such discharge.

(2) RESTRICTIONS ON DISCHARGE FOR PERSONALITY DISORDER.—The Secretary of a military department may not discharge from the Armed Forces for personality disorder a member of the Armed Forces determined by the Secretary of Defense to suffer from post-traumatic stress disorder, traumatic brain injury, or any related mental health disorder or injury.

(d) WAIVER OF STATUTE OF LIMITATIONS APPLICABLE TO CERTAIN REVIEWS OF DISCHARGES FOR PERSONALITY DISORDERS.—Section 1553(a) of title 10, United States Code, is amended—

(1) in the second sentence, by striking “A motion or request for review” and inserting “Except as provided in the following sentence, a motion or request for review”; and

(2) by inserting after the second sentence the following: “The Secretary of Defense shall waive the 15 year time limit specified in the preceding sentence in the case of a motion or request for review of a discharge for personality disorder of a former member who has been diagnosed by the Secretary of Veterans Affairs with post-traumatic stress disorder, traumatic brain injury, or any related mental health disorder or injury.”

(e) APPLICABILITY.—Nothing in this section or the amendments made by this section shall be construed to authorize or require the upgrade of a bad conduct discharge or dishonorable discharge imposed on a member of the Armed Forces as the result of a conviction by court-martial, unless the conviction is overturned on appeal.

SA 5401. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. EQUITY IN THE AWARD OF MILITARY DECORATIONS AND CITATIONS FOR SERVICE IN THE ARMED FORCES SINCE MARCH 20, 2003.

(a) IN GENERAL.—The Secretary of Defense shall take appropriate actions to ensure that each member and unit of the Armed Forces (including members and units of the National Guard and Reserve) that has served in the Armed Forces since March 20, 2003, is awarded each decoration, medal, citation, commendation, or other military award to which such member or unit is entitled by reason of service in the Armed Forces since that date.

(b) AUDIT OF AWARDS.—In furtherance of meeting the requirement in subsection (a), the Secretary shall provide for a comprehensive audit of the decorations, medals, citations, commendations, and other military awards awarded for service in the Armed Forces since March 20, 2003, in order to determine whether any decorations, medals, citations, commendations, or other awards to be awarded as described in that subsection have yet to be awarded.

(c) PROCEDURES FOR EXPEDITED REVIEW OF CERTAIN AWARDS.—

(1) IN GENERAL.—Each Secretary of a military department shall establish procedures to provide for the expedited review by general officers or flag officers, as applicable, of recommendations for the award by such military department of decorations medals, badges, or other military awards for service in combat or under hostile fire that require the approval of a general or flag officer.

(2) CONSULTATION.—The Secretary of the Army and the Secretary of the Air Force shall each consult with the adjutants general of the States under the jurisdiction of such Secretary in establishing procedures under paragraph (1).

(d) REPORT ON PROGRESS IN AWARD.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a reports on the progress made in the award of decorations, medals, citations, commendations, and other military awards as described in that subsection.

SA 5402. Mr. BROWN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 455, after line 19, add the following:

SEC. 2822. LAND CONVEYANCE, GEORGE F. PENNINGTON UNITED STATES ARMY RESERVE CENTER, MARION, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Marion County, Ohio (in this section referred to as the “County”), all right, title, and interest of the United State in and to a parcel of real property, including improvements thereon, consisting of approximately 5.3 acres located at the George F. Pennington United States Army Reserve Center, 2164 Harding Way Highway East, Marion, Ohio, for public benefit.

(b) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 5403. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VIII, add the following:

SEC. 854. REPORT ON CONTRACTS FOR MORALE, WELFARE, AND RECREATION TELEPHONE SERVICES FOR MILITARY PERSONNEL SERVING IN COMBAT ZONES.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on current contracts of the Department of Defense for morale, welfare, and recreation telephone services for military personnel serving in combat zones.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of each contract for morale, welfare, and recreation telephone services for military personnel serving in combat zones that was entered into or agreed upon by the Department of Defense after January 28, 2008, and, for each such contract, an assessment of the extent to which the entry into or agreement upon such contract. 1) was accomplished using competitive procedures. 2) provided individual users the flexibility of using phone cards from other phone card companies.

(2) A statement of the average cost per minute of telephone service for military personnel serving in combat zones under each contract of the Department of Defense for morale, welfare, and recreation telephone services for such personnel that is in effect as of the date of the enactment of this Act.

SA 5404. Mrs. CLINTON (for herself and Mr. ENSIGN) submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 342, between lines 10 and 11, insert the following:

SEC. 1208. SUPPORT FOR AN IRAQ OIL TRUST.

(a) **STATEMENT OF POLICY.**—It is the policy of the United States that—

(1) the people of Iraq should benefit directly from a share of the revenues generated by the hydrocarbon resources of their country; and

(2) the United States Government should present a plan and provide capacity and economic assistance for the implementation of an Iraq oil trust.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the future of Iraq's oil reserves remains at the heart of political reconciliation in Iraq;

(2) ensuring that individual Iraqis benefit directly from hydrocarbon revenues is critical to promoting reconciliation and facilitating sustainable stability in Iraq;

(3) the development and implementation of an oil trust could provide significant benefits to Iraq and its citizens, including by—

(A) helping to demonstrate the values at the heart of democratic governance by giving Iraqi citizens a direct stake in the responsible and transparent management of the hydrocarbon resources of Iraq and the use and distribution of hydrocarbon revenues;

(B) helping to diffuse the degree and concentration of control of the revenues generated from hydrocarbon resources, thereby reducing the opportunity for and magnitude of corruption;

(C) facilitating “bottom-up” private sector development, which will be critical to Iraq's

future prosperity and economic diversity, by putting revenues from the oil resources of Iraq directly in the hands of its citizens;

(D) helping to alleviate the incentive for smuggling or sabotage by providing individual citizens a direct stake in the amount of Iraqi oil that is legally produced and sold;

(E) contributing to sustainable security by providing individuals monetary-resource alternatives to cooperating with militias, extremists, and other extra-legal entities;

(F) providing additional income directly to individual citizens, thereby stimulating entrepreneurship and reducing the reliance on the ability of the central and provincial governments to deliver basic services and execute their budgets; and

(G) serving as a model for revenue distribution to other resource-rich countries in the Middle East; and

(4) the United States should provide assistance to Iraq for implementation of an oil trust.

(c) **UNITED STATES ASSISTANCE TO IRAQ.**—

(1) **PURPOSE.**—The purpose of this subsection is to stipulate limitations on United States assistance to Iraq for reconstruction purposes.

(2) **LIMITATION.**—

(A) **IN GENERAL.**—Unless the Secretary of State submits to the appropriate congressional committees the certification described in subsection (d) within 90 days after the date of the enactment of this Act, 10 percent of United States assistance described in subparagraph (D) that is otherwise available to Iraq through the Economic Support Fund shall be withheld.

(B) **ADDITIONAL WITHHOLDING OF FUNDS.**—An additional 10 percent of United States assistance described in subparagraph (D) that is otherwise available to Iraq through the Economic Support Fund shall be withheld for each additional 30 days after funds are withheld under subparagraph (A) until the Secretary of State makes the certification described in subsection (d).

(C) **RELEASE OF WITHHELD FUNDS.**—Any funds withheld under subparagraphs (A) and (B) shall be made available upon submission by the Secretary of State of the certification described in subsection (d).

(D) **COVERED ASSISTANCE.**—The assistance referred to in subparagraphs (A) and (B) are the following funds:

(i) Provincial Reconstruction Development Council Funds.

(ii) Operations and Maintenance Sustainment.

(iii) Targeted Development Program.

(d) **CERTIFICATION.**—The certification referred to in subsection (c) is a certification submitted by the Secretary of State to the appropriate congressional committees that—

(1) certifies that representatives of the United States Government have presented to Government of Iraq representatives an oil trust plan that includes—

(A) background on oil trusts, including those currently used by sovereign nations or territories and states within nations; and

(B) options for different types of oil trusts that could be implemented in Iraq; and

(2) includes a discussion on the steps necessary to implement an oil trust.

(e) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SA 5405. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1002.

SA 5406. Mr. LEAHY (for himself, Mr. BOND, Mr. FEINGOLD, Mr. BROWN, Ms. KLOBUCHAR, Mr. HARKIN, Mr. JOHNSON, Mr. CASEY, Mr. BYRD, Mr. GRASSLEY, Mr. SMITH, Mr. CARDIN, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVII—NATIONAL GUARD
EMPOWERMENT AND RELATED MATTERS
SEC. 1701. SHORT TITLE.**

This title may be cited as the “National Guard Empowerment and State-National Defense Integration Act of 2008”.

SEC. 1702. EXPANDED AUTHORITY OF THE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) **MEMBERSHIP ON JOINT CHIEFS OF STAFF.**—

(1) **IN GENERAL.**—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) The Chief of the National Guard Bureau.”

(2) **CONFORMING AMENDMENT.**—Section 10502 of such title is amended—

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

(B) by inserting after subsection (c) the following new subsection (d):

“(d) **MEMBER OF JOINT CHIEFS OF STAFF.**—The Chief of the National Guard Bureau shall perform the duties prescribed for him or her as a member of the Joint Chiefs of Staff under section 151 of this title.”

(b) **ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.**—Section 10504 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) **ANNUAL REPORT ON VALIDATED REQUIREMENTS.**—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the following:

“(1) The requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.

“(2) The requirements referred to in paragraph (1) for which funding is to be requested in the next budget for a fiscal year under section 10544 of this title.

“(3) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.”

SEC. 1703. EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) **MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.**—Chapter 1011 of title 10, United States Code, is amended by inserting after section 10503 the following new section:

“§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

“(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

“(1) identify gaps between Federal and State military capabilities to prepare for and respond to emergencies; and

“(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

“(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the adjutants general of the States, have responsibilities as follows:

“(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

“(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

“(3) To acquire equipment, materiel, and other supplies and services for the provision of military assistance to civil authorities.

“(4) To assist the Secretary of Defense in preparing the budget required under section 10544 of this title.

“(5) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

“(6) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

“(c) ASSISTANCE.—The Chairman of the Joint Chiefs of Staff shall assist the Chief of the National Guard Bureau in carrying out activities under this section.

“(d) CONSULTATION.—(1) The Chief of the National Guard Bureau shall carry out activities under this section through and utilizing an integrated planning process established by the Chief of the National Guard Bureau for purposes of this subsection. The planning process may be known as the ‘National Guard Bureau Strategic Integrated Planning Process’.

“(2)(A) Under the integrated planning process established under paragraph (1)—

“(i) the planning committee described in subparagraph (B) shall develop and submit to the planning directorate described in subparagraph (C) plans and proposals on such matters under the planning process as the Chief of the National Guard Bureau shall designate for purposes of this subsection; and

“(ii) the planning directorate shall review and make recommendations to the Chief of the National Guard Bureau on the plans and proposals submitted to the planning directorate under clause (i).

“(B) The planning committee described in this subparagraph is a planning committee (to be known as the ‘State Strategic Integrated Planning Committee’) composed of the adjutant general of each of the several States, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and the District of Columbia.

“(C) The planning directorate described in this subparagraph is a planning directorate (to be known as the ‘Federal Strategic Integrated Planning Directorate’) composed of the following (as designated by the Secretary of Defense for purposes of this subsection):

“(i) A major general of the Army National Guard.

“(ii) A major general of the Air National Guard.

“(iii) A major general of the regular Army.

“(iv) A major general of the regular Air Force.

“(v) A major general (other than a major general under clauses (iii) and (iv)) of the United States Northern Command.

“(vi) The Director of the Joint Staff of the National Guard Bureau under section 10505 of this title.

“(vii) Seven adjutants general from the planning committee under paragraph (B).”

(b) BUDGETING FOR TRAINING AND EQUIPMENT FOR MILITARY ASSISTANCE TO CIVIL AUTHORITIES AND OTHER DOMESTIC MISSIONS.—Chapter 1013 of such title is amended by adding at the end the following new section:

“§ 10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations

“(a) IN GENERAL.—The budget justification documents materials submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for training and equipment for the National Guard for purposes of military assistance to civil authorities and for other domestic operations during such fiscal year.

“(b) SCOPE OF FUNDING.—The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

“(1) The development and implementation of doctrine and training requirements applicable to the assistance and operations described in subsection (a) for such fiscal year.

“(2) The acquisition of equipment, materiel, and other supplies and services necessary for the provision of such assistance and such operations in such fiscal year.”

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 1011 of such title is amended by inserting after the item relating to section 10503 the following new item:

“10503a. Functions of National Guard Bureau: military assistance to civil authorities.”

(2) The table of sections at the beginning of chapter 1013 of such title is amended by adding at the end the following new item:

“10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations.”

SEC. 1704. REDESIGNATION OF POSITIONS OF DIRECTOR OF THE ARMY NATIONAL GUARD, DIRECTOR OF THE AIR NATIONAL GUARD, AND ASSOCIATED POSITIONS.

(a) REDESIGNATION.—Section 10506 of title 10, United States Code, is amended—

(1) by striking “Director, Army National Guard” each place it appears and inserting “Vice Chief, Army National Guard”;

(2) by striking “Deputy Director, Army National Guard” each place it appears and inserting “Deputy Vice Chief, Army National Guard”;

(3) by striking “Director, Air National Guard” each place it appears and inserting “Vice Chief, Air National Guard”; and

(4) by striking “Deputy Director, Air National Guard” each place it appears and inserting “Deputy Vice Chief, Air National Guard”.

(b) CONFORMING AMENDMENT.—Section 14512(a)(2)(D) of such title is amended by striking “Director of the Army National Guard, or Director of the Air National Guard” and inserting “Vice Chief of the Army National Guard, or Vice Chief of the Air National Guard”.

(c) REFERENCES.—

(1) DIRECTOR, ARMY NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Director of the Army National Guard shall be deemed to be a reference to the Vice Chief of the Army National Guard.

(2) DEPUTY DIRECTOR, ARMY NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Deputy Director of the Army National Guard shall be deemed to be a reference to the Deputy Vice Chief of the Army National Guard.

(3) DIRECTOR, AIR NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Director of the Air National Guard shall be deemed to be a reference to the Vice Chief of the Air National Guard.

(4) DEPUTY DIRECTOR, AIR NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Deputy Director of the Air National Guard shall be deemed to be a reference to the Deputy Vice Chief of the Air National Guard.

SEC. 1705. TREATMENT OF CERTAIN SERVICE AS JOINT DUTY EXPERIENCE.

(a) VICE CHIEFS, ARMY AND AIR NATIONAL GUARD.—Section 10506(a)(3) of title 10, United States Code, as amended by section 1704(a) of this Act, is further amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) Service of an officer as adjutant general shall be treated as joint duty experience for purposes of assignment or promotion to any position designated by law as open to a National Guard general officer.”

(b) ADJUTANTS GENERAL AND SIMILAR OFFICERS.—The service of an officer of the Armed Forces as adjutant general, or as an officer (other than adjutant general) of the National Guard of a State who performs the duties of adjutant general under the laws of such State, shall be treated as joint duty or joint duty experience for purposes of any provisions of law required such duty or experience as a condition of assignment or promotion.

(c) REPORT ON DUTY IN JOINT FORCE HEADQUARTERS TO QUALIFY AS JOINT DUTY EXPERIENCE.—Not later than April 1, 2009, the Chief of the National Guard Bureau shall, in consultation with the adjutants general of the National Guard, submit to the Chairman of the Joint Chiefs of Staff and to Congress a report setting forth the recommendations of the Chief of the National Guard Bureau as to which duty of officers of the National Guard in the Joint Force Headquarters of the National Guard of the States should qualify as joint duty or joint duty experience for purposes of the provisions of law requiring such duty or experience as a condition of assignment or promotion.

(d) REPORTS ON JOINT EDUCATION COURSES.—Not later than April 1 of each of 2009, 2010, and 2011, the Chairman of the Joint Chiefs of Staff shall submit to Congress a report setting forth information on the joint education courses available through the Department of Defense for purposes of the pursuit of joint careers by officers in the Armed Forces. Each report shall include, for the preceding year, the following:

(1) A list and description of the joint education courses so available during such year.

(2) A list and description of the joint education courses listed under paragraph (1) that are available to and may be completed by officers of the reserve components of the Armed Forces in other than an in-resident duty status under title 10, United States Code, or title 32, United States Code.

(3) For each course listed under paragraph (1), the number of officers from each Armed Force who pursued such course during such year, including the number of officers of the Army National Guard, and of the Air National Guard, who pursued such course.

SEC. 1706. ENHANCEMENT OF AUTHORITIES RELATING TO THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.

(a) **COMMANDS RESPONSIBLE FOR SUPPORT TO CIVIL AUTHORITIES IN THE UNITED STATES.**—The United States Northern Command and the United States Pacific Command shall be the combatant commands of the Armed Forces that are principally responsible for the support of civil authorities in the United States by the Armed Forces.

(b) **DISCHARGE OF RESPONSIBILITY.**—In discharging the responsibility set forth in subsection (a), the Commander of the United States Northern Command and the Commander of the United States Pacific Command shall each—

(1) in consultation with and acting through the Chief of the National Guard Bureau and the Joint Force Headquarters of the National Guard of the State or States concerned, assist the States in the employment of the National Guard under State control, including National Guard operations conducted in State active duty or under title 32, United States Code; and

(2) facilitate the deployment of the Armed Forces on active duty under title 10, United States Code, as necessary to augment and support the National Guard in its support of civil authorities when National Guard operations are conducted under State control, whether in State active duty or under title 32, United States Code.

(c) **MEMORANDUM OF UNDERSTANDING REGARDING THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.**—

(1) **MEMORANDUM REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) **MODIFICATION.**—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(d) **AUTHORITY TO MODIFY ASSIGNMENT OF COMMAND RESPONSIBILITY.**—Nothing in this section shall be construed as altering or limiting the power of the President or the Secretary of Defense to modify the Unified Command Plan in order to assign all or part of the responsibility described in subsection (a) to a combatant command other than the United States Northern Command or the United States Pacific Command.

(e) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations for purposes of aiding the expeditious implementation of the authorities and responsibilities in this section.

SEC. 1707. STATE CONTROL OF FEDERAL MILITARY FORCES ENGAGED IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS.

(a) **IN GENERAL.**—Part I of subtitle A of title 10, United States Code, is amended by

inserting after chapter 15 the following new chapter:

“CHAPTER 16—CONTROL OF THE ARMED FORCES IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS

“Sec.

“341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities.

“§ 341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities

“(a) **IN GENERAL.**—The Secretary of Defense shall prescribe in regulations policies and procedures to assure that tactical control of the armed forces on active duty within a State or possession is vested in the governor of the State or possession, as the case may be, when such forces are engaged in emergency response activities within such State or possession.

“(b) **DISCHARGE THROUGH JOINT FORCE HEADQUARTERS.**—The policies and procedures required under subsection (a) shall provide for the discharge of tactical control by the governor of a State or possession as described in that subsection through the Joint Force Headquarters of the National Guard in the State or possession, as the case may be, acting through the officer of the National Guard in command of the Headquarters.

“(c) **POSSESSIONS DEFINED.**—Notwithstanding any provision of section 101(a), in this section, the term ‘possessions’ means the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.”

(b) **CLERICAL AMENDMENTS.**—The tables of chapters at the beginning of title 10, United States Code, and at the beginning of part I of subtitle A of such title, are each amended by inserting after the item relating to chapter 15 the following new item:

“16. Control of the Armed Forces in Activities Within the States and Possessions 341”.
SEC. 1708. REQUIREMENTS RELATING TO NATIONAL GUARD OFFICERS IN CERTAIN COMMAND POSITIONS.

(a) **COMMANDER OF ARMY NORTH COMMAND.**—The officer serving in the position of Commander, Army North Command, shall be an officer in the Army National Guard of the United States.

(b) **COMMANDER OF AIR FORCE NORTH COMMAND.**—The officer serving in the position of Commander, Air Force North Command, shall be an officer in the Air National Guard of the United States.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that, in assigning officers to the command positions specified in subsections (a) and (b), the President should afford a preference in assigning officers in the Army National Guard of the United States or Air National Guard of the United States, as applicable, who have served as the adjutant general of a State.

(d) **CERTAIN JOINT TASK FORCE POSITIONS.**—

(1) **IN GENERAL.**—Of the officers serving in the positions specified in each subparagraph of paragraph (2), as least one such officer under each subparagraph shall be an officer in the Army National Guard of the United States or an officer in the Air National Guard of the United States.

(2) **COVERED POSITIONS.**—The positions specified in this paragraph are:

(A) Commander, Joint Task Force Alaska, and Deputy Commander, Joint Task Force Alaska.

(B) Commander, Joint Task Force Civil Support, and Deputy Commander, Joint Task Force Civil Support.

(C) Commander, Joint Task Force North, and Deputy Commander, Joint Task Force North.

SA 5407. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1041. SAFETY OF EXPEDITIONARY FACILITIES, INFRASTRUCTURE, AND EQUIPMENT SUPPORTING UNITED STATES MILITARY OPERATIONS OVERSEAS.

In order to assure the safe utilization by the Armed Forces of expeditionary facilities, infrastructure, and equipment supporting United States military operations overseas, the Secretary of Defense shall certify to the congressional defense committees, by not later than March 30, 2009, that each of the following actions have been accomplished:

(1) That generally accepted industry standards for the safety of personnel are incorporated into military regulations establishing requirements for facilities, infrastructure, and equipment, including standards with respect to fire protection and structural integrity, and standards with respect to electrical systems, water treatment, and telecommunication networks.

(2) That each contract or task or delivery order carried out for the construction, installation, repair, maintenance, or operation of expeditionary facilities for the Armed Forces overseas incorporates generally accepted industry standards for the safety of personnel utilizing such facilities.

(3) That the standards required under paragraphs (1) and (2) apply in all current and future United States military operations overseas.

SA 5408. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1041. CONSIDERATION OF ADVISORY MISSIONS BY THE DEPARTMENT OF DEFENSE IN SUPPORT OF UNITED STATES EFFORTS TO BUILD PARTNER CAPACITY IN THE GLOBAL WAR ON TERRORISM IN THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) **IN GENERAL.**—In conducting the quadrennial defense review required in 2009 by section 118 of title 10, United States Code, the Secretary of Defense shall assess the following:

(1) The advisability of advisory missions by the Department of Defense in support of United States efforts to build partner capacity in the Global War on Terrorism, including advisory missions as follows:

(A) Combat advisory missions to train ground forces and air forces of partner countries.

(B) Advisory missions to the defense and interior ministries of partner countries.

(2) The forces, whether general purposes forces or special operations forces, that are the most effective means of undertaking the

future advisory missions of the Department as described in paragraph (1).

(3) The modifications in the force structure necessary to ensure the continued effectiveness of the advisory missions of the Department as described in paragraph (1).

(b) **SUBMITTAL TO CONGRESS.**—The quadrennial defense review required to be submitted to Congress under section 118(d) of title 10, United States Code, in 2010 shall include a separate discussion of the results of the assessment required by subsection (a).

SA 5409. Mr. BROWN (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. INCREASE IN NUMBER OF UNITS OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) **PLAN FOR INCREASE.**—The Secretary of Defense, in consultation with the Secretaries of the military departments, may implement a plan to establish and support up to 4,000 Junior Reserve Officers' Training Corps units not later than fiscal year 2020.

(b) **COOPERATION.**—The Secretary of Defense, shall work with local educational agencies to increase the employment in Junior Reserve Officers' Training Corps units of retired members of the Armed Forces who are retired under chapter 61 of title 10, United States Code, especially members who were wounded or injured while deployed in a contingency operation.

(c) **REPORT ON PLAN.**—The Secretary of Defense shall provide a report to the congressional defense committees on the following:

(1) A description of how the Secretaries of the military departments can increase the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a), including how many new units may foreseeably be established per year by each service.

(2) The annual funding necessary to support any increase in units, including the personnel costs associated.

(3) The number of qualified private and public schools, if any, who have requested a Junior Reserve Officers' Training Corps unit that are on a waiting list.

(4) Efforts to improve the increased distribution of units geographically across the United States.

(5) Efforts to increase distribution of units in educationally and economically deprived areas.

(6) Efforts to enhance employment opportunities for qualified former military members retired for disability, especially those wounded while deployed in a contingency operation.

(e) **TIME FOR SUBMISSION.**—The report required under subsection (b), along with the report required by subsection (e), shall be submitted to the congressional defense committees not later than May 1, 2009.

SA 5410. Mr. HARKIN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of

Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 581 and insert the following:
SEC. 581. DEPARTMENT OF DEFENSE POLICY ON THE PREVENTION OF SUICIDES BY MEMBERS OF THE ARMED FORCES.

(a) **POLICY REQUIRED.**—Not later than August 1, 2009, the Secretary of Defense shall develop a comprehensive policy designed to prevent suicide by members of the Armed Forces.

(b) **PURPOSES.**—The purposes of the policy required by this section shall be as follows:

(1) To ensure that investigations, analyses, and appropriate data collection can be conducted, across the military departments, on the causes and factors surrounding suicides by members of the Armed Forces.

(2) To develop effective strategies and policies for the education of members of the Armed Forces and their families to assist in preventing suicides and suicide attempts by members of the Armed Forces.

(c) **ELEMENTS OF INVESTIGATIONS.**—The policy required by subsection (b)(1) shall include, but not be limited to, the following:

(1) Requirements for investigations and data collection in connection with suicides by members of the Armed Forces.

(2) A requirement for the appointment by the appropriate military authority of a separate investigating officer to conduct an administrative investigation into each suicide by a member of the Armed Forces in accordance with the requirements specified under paragraph (1).

(3) Requirements for minimum information to be determined under each investigation pursuant to paragraph (2), including, but not limited to, the following:

(A) Any mental illness or other mental health condition, including Post Traumatic Stress Disorder (PTSD), of the member of the Armed Forces concerned at the time of the completion of suicide.

(B) Any other illness or injury of the member at the time of the completion of suicide.

(C) Any receipt of health care services, including mental health care services, by the member before the completion of suicide.

(D) Any utilization of prescription drugs by the member before the completion of suicide.

(E) The number, frequency, and dates of deployment of the member.

(F) The military duty assignment of the member at the time of the completion of suicide.

(G) Any observations by family members, health care providers, medical care managers, and other members of the Armed Forces of any symptoms of depression, anxiety, alcohol or drug abuse, or other relevant behavior in the member before the completion of suicide.

(H) The results of a psychological autopsy of the member, if conducted.

(4) A requirement for a report from each administrative investigation conducted pursuant to paragraph (2) which shall set forth the findings and recommendations resulting from such investigation.

(5) Procedures for the protection of the confidentiality of information contained in each report on an investigation pursuant to paragraph (4).

(6) A requirement that the Deputy Chief of Staff for Personnel of the military department concerned receive and analyze each report on an investigation pursuant to paragraph (4).

(7) The appointment by the Secretary of Defense of an appropriate official or execu-

tive agent within the Department of Defense to receive and analyze each report on an investigation pursuant to paragraph (4) in order to—

(A) identify trends or common causal factors in suicides by members of the Armed Forces; and

(B) advise the Secretary on means by which the suicide education and prevention strategies and programs of the military departments can respond appropriately and effectively to such trends and causal factors.

(8) A requirement for an annual report to the Secretary of Defense on each Secretary of a military department on the following:

(A) The results of investigations into suicide by members of the Armed Forces pursuant to paragraph (2) for each calendar year beginning with 2010.

(B) Actions taken to improve the suicide education and prevention strategies and programs of the military departments.

(C) Total number of suicides among members of the Armed Forces during the period beginning on January 1, 2002, and ending at the end of the most recent calendar year quarter preceding the submittal of such report, including the number of suicides confirmed and the number of deaths being investigated as a suicide, set forth—

(i) by calendar year quarter in which death occurred;

(ii) by military department of the members concerned; and

(iii) by whether death occurred while the members concerned were deployed or while assigned to permanent duty station or homeport.

(d) **CONSTRUCTION OF INVESTIGATION WITH OTHER INVESTIGATION REQUIREMENTS.**—The investigation of the suicide by a member of the Armed Forces under the policy required by this section shall be in addition to any other investigation of the suicide required by law, including any investigation for criminal purposes.

(e) **ELEMENTS OF EDUCATION.**—The policy required by subsection (b)(2) may include, but not be limited to, the following:

(1) A review and evaluation of existing suicide prevention efforts across the military departments, including an assessment of the effectiveness of current efforts and of how such efforts are addressing issues related to combat stress.

(2) A requirement for suicide prevention training (as described in subsection (f)) on an annual basis for all members of the Armed Forces (including members of the National Guard and Reserve), for all civilian health care community and family support professionals of the Department of Defense, and for such other service personnel of the Department as the Secretary shall designate for purposes of this paragraph.

(3) Enhancement of the basic lifesaving training course for members of the Armed Forces to include within such training matters relating to recognition of risk factors for suicide, identification of signs and symptoms of mental health concerns and combat stress, and protocols for responding to crisis situations involving members of the Armed Forces who may be at high risk for suicide.

(4) Enhancement of training for military medics and medical personnel to include within such training matters relating to recognition of risk factors for suicide, identification of signs and symptoms of mental health concerns and combat stress, and protocols for responding to crisis situations involving members of the Armed Forces who may be at high risk for suicide.

(5) Review and enhancement of requirements for access of units to crisis response teams to prevent and respond to traumatic events, such as members in crisis or loss of unit members, which teams shall include

qualified mental health professionals and may include medical staff, chaplains, family support staff, peers, and other appropriate personnel.

(6) A campaign of outreach throughout the Armed Forces and the military family communities intended to—

(A) reduce the stigma among members of the Armed Forces and their families, and in such communities, associated with mental health concerns;

(B) encourage members of the Armed Forces and individuals in such communities to seek help with such concerns;

(C) increase awareness among members of the Armed Forces and in such communities that mental health is essential to overall health;

(D) increase awareness among members of the Armed Forces and in such communities regarding substance abuse concerns, relationship and financial difficulties, and legal and occupational difficulties; and

(E) inclusion in addresses to veterans service organizations and other public addresses, and in other public speeches, by senior officials of the Department of Defense of the themes of the importance of mental health, and the importance of seeking help on mental health concerns and stress on military family members, for members of the Armed Forces, veterans, and their families.

(7) Post-deployment assistance for spouses and parents of returning members including members of the National Guard and Reserve, who are returning from deployment assistance in—

(A) understanding issues that arise in the readjustment of such members—

(i) for members of the National Guard and Reserve, to civilian life; and

(ii) for members of the regular components of the Armed Forces, to military life in a non-combat environment;

(B) identifying signs and symptoms of substance abuse, mental health conditions, traumatic brain injury, and risk factors for suicide; and

(C) encouraging such members and their families in seeking assistance for such conditions and in seeking assistance on relationship, financial, legal, and occupational difficulties.

(f) **SUICIDE PREVENTION TRAINING.**—For purposes of this section, suicide prevention training is comprehensive training on suicide prevention (including, at a minimum, education, training, peer-to-peer support methods, outreach, and de-stigmatization on suicide) developed by the Secretary of Defense for purposes of this section in consultation with the Secretary of Veterans Affairs, the National Institute of Mental Health, the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services, and the Centers for Disease Control and Prevention.

(g) **REPORT ON POLICY.**—Not later than August 1, 2009, the Secretary of the Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the policy required by this section. The report shall include the following:

(1) A description of the policy.

(2) A plan for the implementation of the policy throughout the Department of Defense, which plan shall be developed by the Secretary of Defense in consultation with the following:

(A) The Secretary of Veterans Affairs.

(B) The National Institute of Mental Health.

(C) The Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services.

(D) The Centers for Disease Control and Prevention.

(h) **REPORT ON ACTIONS TAKEN.**—

(1) **IN GENERAL.**—Not later than August 1, 2011, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the actions taken to develop and implement effective policies and strategies for the education of members of the Armed Forces and their families on the prevention of suicide by members of the Armed Forces.

(2) **ELEMENTS.**—The report under paragraph (1) shall include the following:

(A) A description of the actions taken as described in paragraph (1).

(B) An evaluation and assessment of the actions referred to in subparagraph (A), which shall include an evaluation and assessment of the effectiveness of such actions in reducing the incidence of suicide among members of the Armed Forces, including an assessment of—

(i) the extent to which such actions effectively targeted members of the Armed Forces and their families; and

(ii) the extent to which such actions increased awareness among members of the Armed Forces and their families on risk factors for suicide.

(3) **PERFORMANCE OF EVALUATION AND ASSESSMENT.**—The evaluation and assessment required under paragraph (2)(B) shall be performed by an appropriate non-Federal Government entity selected by the Secretary for purposes of this subsection. The Secretary may provide for the performance of the evaluation and assessment by the entity so selected by contract or other cooperative agreement with, or by grant to, such entity.

SA 5411. Mr. NELSON (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 309, after line 20, add the following:

SEC. 1068. CLARIFICATION OF CERTAIN ELIGIBILITY REQUIREMENTS FOR ENHANCED DISABILITY SEVERANCE PAY.

Section 1212(c)(1)(A) of title 10, United States Code, as added by section 1646 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 472), is amended by striking “incurred during the performance of duty in combat-related operations as designated by the Secretary of Defense.” and inserting “incurred (as determined under criteria prescribed by the Secretary of Defense)—

“(i) as a direct result of armed conflict;

“(ii) while engaged in hazardous service;

“(iii) in the performance of duty under conditions simulating war; or

“(iv) through an instrumentality of war.”.

SA 5412. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. PILOT PROGRAMS ON TRAINING AND CERTIFICATION FOR FAMILY CAREGIVER PERSONAL CARE ATTENDANTS FOR VETERANS AND MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY.

(a) **PILOT PROGRAMS AUTHORIZED.**—The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, carry out up to three pilot programs to assess the feasibility and advisability of providing training and certification for family caregivers of veterans and members of the Armed Forces with traumatic brain injury as personal care attendants of such veterans and members.

(b) **LOCATIONS.**—Each pilot program under this section shall be carried out in a medical facility of the Department of Veterans Affairs. In selecting the locations of the pilot programs, the Secretary shall give special emphasis to the polytrauma centers of the Department of Veterans Affairs designated as Tier I polytrauma centers.

(c) **TRAINING CURRICULA.**—

(1) **IN GENERAL.**—The Secretary of Veterans Affairs shall develop curricula for the training of personal care attendants under the pilot programs under this section. Such curricula shall incorporate—

(A) applicable standards and protocols utilized by certification programs of national brain injury care specialist organizations; and

(B) best practices recognized by caregiving organizations.

(2) **USE OF EXISTING CURRICULA.**—In developing the curricula required by paragraph (1), the Secretary of Veterans Affairs shall, to the extent practicable, utilize and expand upon training curricula developed pursuant to section 744(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2308).

(d) **PARTICIPATION IN PROGRAMS.**—

(1) **IN GENERAL.**—The Secretary of Veterans Affairs shall determine the eligibility of a family member of a veteran or member of the Armed Forces for participation in the pilot programs under this section.

(2) **BASIS FOR DETERMINATION.**—A determination made under paragraph (1) shall be based on the needs of the veteran or member of the Armed Forces concerned, as determined by the physician of such veteran or member.

(e) **ELIGIBILITY FOR COMPENSATION.**—A family caregiver of a veteran or member of the Armed Forces who receives certification as a personal care attendant under the pilot programs under this section shall be eligible for compensation from the Department of Veterans Affairs for care provided to such veteran or member.

(f) **COSTS OF TRAINING.**—

(1) **TRAINING OF FAMILIES OF VETERANS.**—Any costs of training provided under the pilot programs under this section for family members of veterans shall be borne by the Secretary of Veterans Affairs.

(2) **TRAINING OF FAMILIES OF MEMBERS OF THE ARMED FORCES.**—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for any costs of training provided under the pilot programs for family members of members of the Armed Forces. Amounts for such reimbursement shall be derived from amounts available for Defense Health Program for the TRICARE program.

(g) **ASSESSMENT OF FAMILY CAREGIVER NEEDS.**—

(1) **IN GENERAL.**—The Secretary of Veterans Affairs may provide to a family caregiver who receives training under a pilot program under this section—

(A) an assessment of their needs with respect to their role as a family caregiver; and
(B) a referral to services and support that—

(i) are relevant to any needs identified in such assessment; and

(ii) are provided in the community where the family caregiver resides, including such services and support provided by community-based organizations, publicly-funded programs, and the Department of Veterans Affairs.

(2) USE OF EXISTING TOOLS.—In developing and administering an assessment under paragraph (1), the Secretary shall, to the extent practicable, use and expand upon caregiver assessment tools already developed and in use by the Department.

(h) CONSTRUCTION.—Nothing in this section shall be construed to require or permit the Secretary of Veterans Affairs to deny—

(1) reimbursement for health care services provided to a veteran with a brain injury to a personal care attendant who is not a family member of such veteran; or

(2) access to other services and benefits otherwise available to veterans with a brain injury.

(i) FAMILY CAREGIVER DEFINED.—In this section, with respect to member of the Armed Forces or a veteran with traumatic brain injury, the term “family caregiver” means a relative, partner, or friend of such member or veteran who is providing care to such member or veteran for such traumatic brain injury.

SA 5413. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, before line 6, insert the following:

SEC. 344. ALTERNATIVE AVIATION FUEL INITIATIVE.

(a) FINDINGS.—Congress makes the following findings:

(1) Dependence on foreign sources of oil is detrimental to the national security of the United States due to possible disruptions in supply.

(2) The Department of Defense is the largest single consumer of fuel in the United States.

(3) The United States Air Force is the largest consumer of fuel in the Department of Defense.

(4) The skyrocketing price of fuel is having a significant budgetary impact on the Department of Defense.

(5) The United States Air Force uses about 2,600,000,000 gallons of jet fuel a year, or 10 percent of the entire domestic market in aviation fuel.

(6) The fuel costs of the Air Force have tripled over the past four years, costing nearly \$6,000,000,000 in 2007, up from \$2,000,000,000 in 2003. During the same period, its consumption of fuel decreased by 10 percent.

(7) The Air Force is committed to environmentally friendly energy solutions.

(8) The Air Force has developed an energy program (in this section referred to as the “Air Force Energy Program”) to certify the entire Air Force aircraft fleet for operations on a 50/50 synthetic fuel blend by not later than June 30, 2011, and to acquire 50 percent of its domestic aviation fuel requirement from a domestically-sourced synthetic fuel

blend, at prices equal to or less than market prices for petroleum-based alternatives, that exhibits a more favorable environmental footprint across all major contaminants of concern, by not later than December 31, 2016.

(9) The Air Force Energy Program will provide options to reduce the use of foreign oil, by focusing on expanding alternative energy options that provide favorable environmental attributes as compared to currently-available options.

(b) CONTINUATION OF INITIATIVES.—

(1) IN GENERAL.—The Secretary of the Air Force shall continue the alternative aviation fuel initiatives of the Air Force in order to—

(A) certify the entire Air Force aircraft fleet for operations on a 50/50 synthetic fuel blend by not later than June 30, 2011;

(B) acquire 50 percent of its domestic aviation fuel requirement from a domestically-sourced synthetic fuel blend by not later than December 31, 2016, provided that—

(i) the lifecycle greenhouse gas emissions associated with the production and combustion of such fuel shall not be greater than such emissions from conventional fuels that are used in the same application; and

(ii) synthetic fuel prices are equal to or less than market prices for petroleum-based alternatives;

(C) take actions in collaboration with the commercial aviation industry and equipment manufacturers to spur the development of a domestic alternative aviation fuel industry; and

(D) take actions in collaboration with other Federal agencies, the commercial sector, and academia to solicit for and test the next generation of environmentally-friendly alternative aviation fuels.

(2) ANNUAL REPORT.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense, in consultation with the Secretary of the Air Force, shall submit to Congress a report on the progress of the alternative aviation fuel initiative program, including—

(A) the status of aircraft fleet certification, until complete;

(B) the quantities of domestically-sourced synthetic fuels purchased for use by the Air Force in the fiscal year ending in such year;

(C) progress made against published goals for such fiscal year;

(D) the status of recovery plans to achieve any goals set for previous years that were not achieved; and

(E) the establishment of goals and objectives for the current fiscal year.

(c) ARMY AND NAVY ENERGY INITIATIVES.—

(1) IN GENERAL.—The Secretary of the Army and the Secretary of the Navy should seek to engage their respective services in an alternative aviation fuel initiative in order to—

(A) certify each service’s aircraft fleet for operations on a 50/50 synthetic fuel blend;

(B) acquire 50 percent of its domestic aviation fuel requirement from a domestically-sourced synthetic fuel blend;

(C) take actions in collaboration with the commercial aviation industry and equipment manufacturers to spur the development of a domestic alternative aviation fuel industry; and

(D) take actions in collaboration with other Federal agencies, the commercial sector, and academia to solicit for and test the next generation of environmentally-friendly alternative aviation fuels.

SA 5414. Mr. KYL (for himself, Mr. VITTER, Mr. INHOFE, Mr. MARTINEZ, Mr. WARNER, and Mr. LEVIN) proposed an amendment to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the De-

partment of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 237. ACTIVATION AND DEPLOYMENT OF AN/TPY-2 FORWARD-BASED X-BAND RADAR.

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, up to \$89,000,000 may be available for Ballistic Missile Defense Sensors for the activation and deployment of the AN/TPY-2 forward-based X-band radar to a classified location.

(b) LIMITATION.—

(1) IN GENERAL.—Funds may not be available under subsection (a) for the purpose specified in that subsection until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the deployment of the AN/TPY-2 forward-based X-band radar as described in that subsection, including:

(A) The location of deployment of the radar.

(B) A description of the operational parameters of the deployment of the radar, including planning for force protection.

(C) A description of any recurring and non-recurring expenses associated with the deployment of the radar.

(D) A description of the cost-sharing arrangements between the United States and the country in which the radar will be deployed regarding the expenses described in subparagraph (C).

(E) A description of the other terms and conditions of the agreement between the United States and such country regarding the deployment of the radar.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SA 5415. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 722. SENSE OF SENATE ON THE FISCAL YEAR 2010 FUNDING REQUEST FOR THE DEPARTMENT OF DEFENSE FOR PROGRAMS AND ACTIVITIES RELATING TO TRAUMATIC BRAIN INJURY AND PSYCHOLOGICAL HEALTH.

(a) FINDINGS.—The Senate makes the following findings:

(1) The members of the Armed Forces who have served in the Global War on Terror have sacrificed greatly on behalf of the American people and deserve treatment for the injuries they have suffered during their service to our nation.

(2) Funding for programs and activities relating to Traumatic Brain Injury and psychological health have typically been provided by emergency supplemental appropriations.

(3) The budget of the President for fiscal year 2009 (as submitted to Congress pursuant

to section 1105 of title 31, United States Code) included a request for only minimal funds for the Department of Defense for programs and activities relating to Traumatic Brain Injury and psychological health, relying instead on supplemental appropriations.

(4) According to the 2007 annual report of the Congressionally Directed Medical Research Programs, approximately 20 percent of the members of the Armed Forces who have served in the Global War on Terror suffer from some form of Traumatic Brain Injury.

(5) The symptoms and side effects of Traumatic Brain Injury and other psychological health conditions can include depression, anxiety, substance abuse, mental confusion, and seizures.

(6) The symptoms and side effects of Traumatic Brain Injury and other psychological health conditions in members of the Armed Forces require treatment and future monitoring, and treatment of the wounded should be a long-term priority for the Department of Defense.

(7) Treatment of any long-term health condition that affects a significant portion of the members of the Armed Forces, such as Traumatic Brain Injury and other psychological health conditions, requires a regularized funding commitment by the Department of Defense.

(b) SENSE OF SENATE.—It is the sense of the Senate that the amounts requested for the Department of Defense for fiscal year 2010 in the budget of the President for that fiscal year (as submitted to Congress pursuant to section 1105 of title 31, United States Code) should include a specific request for adequate funds to carry out programs and activities relating to Traumatic Brain Injury and psychological health that would improve the well being of members of the Armed Forces.

SA 5416. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 804. TECHNICAL CORRECTIONS TO AUTHORITIES RELATING TO CERTIFICATION REQUIREMENTS FOR MAJOR SYSTEMS PRIOR TO TECHNOLOGY DEVELOPMENT.

(a) IN GENERAL.—Section 2366b of title 10, United States Code, is amended—

(1) in subsection (a), by striking “system” each place it appears and inserting “program”;

(2) in subsection (b)—

(A) by striking “major system” and inserting “major defense acquisition program”; and

(B) by striking “the system” each place it appears and inserting “the program”; and

(3) in subsection (c), by striking paragraph (1) and inserting the following new paragraph:

“(1) The term ‘major defense acquisition program’ has the meaning provided in section 2430 of this title.”.

(b) REVIEW OF DEPARTMENT OF DEFENSE ACQUISITION DIRECTIVES.—Section 943(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 289; 10 U.S.C. 2366b note) is amended by striking “major weapon system” and inserting “major defense acquisition program”.

(c) CLARIFICATION OF CERTAIN CERTIFICATION PENDING IDENTIFICATION OF CORE COMPETENCIES OF DoD.—Notwithstanding the effective date in section 943(c) of the National Defense Authorization Act for Fiscal Year 2008, until the completion of the identification of the core competencies of the Department of Defense in the quadrennial review of roles and missions under section 118b of title 10, United States Code, that is conducted during 2008, the Milestone Decision Authority concerned may satisfy the certification requirement of section 2366b(a)(2) of title 10, United States Code (as amended by subsection (a)), with respect to a major defense acquisition program if the Milestone Decision Authority certifies that the program is being executed by an entity with a relevant core competency identified by the Secretary of Defense for purposes of such certification.

SA 5417. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

“SEC. 208. CHILD CUSTODY PROTECTION.

“(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if there is clear and convincing evidence that it is in the best interest of the child.

“(b) COMPLETION OF DEPLOYMENT.—In any proceeding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated, unless there is clear and convincing evidence that such a reinstatement is not in the best interest of the child.

“(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD’S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember is filed, no court may consider the absence of the S.L.C. September 9, 2008 (8:42 a.m.) servicemember by reason of deployment, or possibility of deployment, in determining the best interest of the child.

“(d) CONTINGENCY OPERATION DEFINED.—In this section, the term ‘contingency operation’ has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary may prescribe.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is

amended by adding at the end of the items relating to title II the following new item:

“208. Child custody protection.”.

SA 5418. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 6 and 7, insert the following:

SEC. 854. DEPARTMENT OF DEFENSE TIRE PRIVATIZATION INITIATIVE.

(a) IMPLEMENTATION AND ADMINISTRATION OF GROUND AND AIR TIRE CONTRACTS.—In implementing and administering ground and air tire contracts of the Department of Defense (Contract No. SPM7L10-07-D-7002 and Contract No. SPM7L10-07-D-7001), the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

(1) require that fair, equal, and competitive procurement procedures among all qualified manufacturers are employed to ensure that the Department of Defense receives the best value when procuring new tire types, and when procuring tires that are newly added to the contract’s industrial base requirements;

(2) ensure that all tire manufacturers have equal timely information about the future needs of the Department of Defense for tires, including contractor-prepared forecasts; and

(3) provide all manufacturers with equal quarterly information on the number of tires shipped to the Department of Defense and the number of each type of tire shipped by each manufacturer.

(b) IMPARTIAL EVALUATION OF BIDS.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall serve as an impartial evaluator of bids in connection with ground and air tire contracts and shall ensure that the offeror with the most advantageous proposal receives the greatest share of business of the Department of Defense.

(c) ANALYSIS OF TIRE PRICING.—

(1) ANALYSIS.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct an analysis of the pricing of tires under existing ground and air tire contracts to determine which tires have high prices even though multiple qualified sources for such tires exist.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the analysis conducted under paragraph (1).

SA 5419. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 344. PROCEDURES FOR MITIGATING THE IMPACT OF RENEWABLE ENERGY TECHNOLOGIES ON MILITARY ACTIVITIES OR READINESS.

(a) **ADVISORY COMMITTEE FOR RECOMMENDATIONS ON PROCEDURES.**—

(1) **REQUIREMENT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall establish within the Department of Defense an advisory committee to make recommendations to the Secretary for the procedures for mitigating any adverse impact of renewable energy technologies (including wind energy, solar energy, geothermal energy, or biomass energy projects) on military training, operations, activities, or readiness.

(2) **MEMBERS.**—The advisory committee shall be composed of such individuals as the Secretary shall designate for purposes of this section.

(b) **DEVELOPMENT OF RECOMMENDATIONS.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the establishment of the advisory committee required under subsection (a), the advisory committee shall develop and submit to the Secretary such recommendations for procedures described in that subsection as the advisory committee considers appropriate.

(2) **CONSULTATION.**—In developing recommendations under paragraph (1), the advisory committee shall consult with such technical experts, interested parties, representatives of renewable energy industries, other Federal agencies, and members of the public as the advisory committee considers appropriate.

(c) **DESIGNATION OF OFFICIAL.**—Not later than 90 days after the receipt under subsection (b) of the recommendations for procedures required under that subsection, the Secretary shall assign to an official within the Department of Defense the responsibility for advising officials of the Department, agencies of the Federal government and State governments, and private sector entities on steps that should be taken to mitigate any adverse impacts of renewable energy technologies or projects on military training, operations, activities, or readiness.

(d) **REPORT.**—The Secretary shall submit to Congress a report setting forth the findings and recommendations of the advisory committee. The report shall include the following:

(1) A comprehensive description of the procedures recommended by the advisory committee.

(2) The official assigned the responsibility for providing advice in accordance with subsection (c).

SA 5420. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 634. TRAVEL AND TRANSPORTATION FOR SURVIVORS OF DECEASED MEMBERS OF THE UNIFORMED SERVICES TO ATTEND MEMORIAL CEREMONIES.

(a) **ALLOWANCES AUTHORIZED.**—Subsection (a) of section 411f of title 37, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Secretary concerned shall provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty in order that the eligible relatives may attend a memorial service for the deceased member that occurs at a location other than the location of the burial ceremony for which travel and transportation allowances are provided under paragraph (1). Travel and transportation allowances may be provided under this paragraph for travel of eligible relatives to only one memorial service for the deceased member concerned.”

(b) **CONFORMING AMENDMENTS.**—Subsection (c) of such section is amended by striking “subsection (a)(1)” both places it appears and inserting “paragraph (1) or (2) of subsection (a)”.

SA 5421. Mr. REED (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 216. PARTICIPATION OF DEFENSE LABORATORIES IN COMPETITIVE SOLICITATIONS OF THE DEPARTMENT OF DEFENSE.

(a) **IN GENERAL.**—

(1) **POLICY ON PARTICIPATION.**—The Secretary of Defense shall prescribe policies and regulations such that, to the maximum extent practicable, Department of Defense laboratories are permitted to respond to competitive solicitations for research, development, test, and evaluation funding of the Department of Defense.

(2) **CONFLICTS OF INTEREST.**—The regulations under paragraph (1) shall ensure that the participation of Department laboratories in competitive solicitations as described in that paragraph is consistent with Federal Government and Department of Defense policies regarding conflicts of interest.

(b) **REPORT.**—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(1) A description of the policies and regulations prescribed under subsection (a).

(2) A description of the number and value of research, development, test, and evaluation awards competitively awarded to Department of Defense laboratories through Department of Defense solicitations in fiscal year 2009.

(3) An identification of any competitive Federal Government solicitations in fiscal year 2009 for research and development funding from which Department of Defense laboratories were prohibited from direct participation or direct receipt of funds for research and development activities.

SA 5422. Mr. BAYH (for himself, Mr. SESSIONS, Mr. KENNEDY, Mrs. CLINTON, Mr. LIEBERMAN, Mr. OBAMA, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel

strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 652. NO ACCRUAL OF INTEREST FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.

Section 455(o) of the Higher Education Act of 1965 (20 U.S.C. 1087e(o)) is amended—

(1) in paragraph (1)—

(A) by striking “paragraphs (2) and (4)” and inserting “paragraph (3)”; and

(B) by striking “for which the first disbursement is made on or after October 1, 2008”;

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

SA 5423. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. SENSE OF CONGRESS ON RENEWAL OF STRATEGIC ARMS REDUCTION TREATY.

It is the sense of Congress that the President should take action to renew the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, signed at Moscow July 31, 1991 (commonly referred to as the “START I Treaty”), before the expiration date of December 5, 2009.

SA 5424. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

SEC. 3116. STUDY ON SURVEILLANCE OF THE NUCLEAR WEAPONS STOCKPILE.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Administrator for Nuclear Security shall enter into a contract with the private scientific advisory group known as JASON to conduct an independent technical study of the efforts of the National Nuclear Security Administration to monitor the aging of, and to detect defects related to aging in, nuclear weapons components and materials that could affect the reliability of nuclear weapons currently in the nuclear weapons stockpile.

(2) **AVAILABILITY OF INFORMATION.**—The Administrator shall make available to JASON all information necessary to complete the study on a timely basis.

(b) **ELEMENTS.**—The study required under subsection (a) shall include an assessment of the following:

(1) The ability of the National Nuclear Security Administration to monitor and measure the effects of aging on, and defects relating to aging in, nuclear weapons components

and materials, other than plutonium pits, that could affect the reliability of nuclear weapons in the nuclear weapons stockpile.

(2) Available methods for addressing such effects.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, JASON shall submit to the Administrator for Nuclear Security and Congress a report containing—

(A) the findings of the study; and

(B) recommendations for improving efforts within the Directed Stockpile Work Program, the Science Campaign, and the Engineering Campaign of the National Nuclear Security Administration to monitor the effects of aging on, and to detect defects related to aging in, the nuclear weapons stockpile between fiscal year 2009 and fiscal year 2014.

(2) FORM OF REPORT.—The report required under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex.

SA 5425. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, strike lines 1 through 3 and insert the following:

(1) The ballistic missile threat posed by North Korea, Iran, and other countries with active ballistic missile development and fielding programs, including the following:

(A) The existing inventories of short-range, medium-range, long-range, and intercontinental-range ballistic missiles of each such country, and the ranges of such missiles based on possible launch points.

(B) The ballistic missile programs currently under development by each such country, including, for each such program, an assessment of—

(i) the ranges of the ballistic missiles under such program;

(ii) the fuel propulsion systems for such missiles;

(iii) the booster and warhead characteristics of such missiles; and

(iv) the capacity of such missiles to employ countermeasures, decoys, or multiple re-entry vehicles.

(C) The ballistic missile tests and exercises of each such country since 2005.

(D) The proliferation of ballistic missile hardware, technology and expertise of each such country.

(E) The ballistic missile launch facilities of each such country, whether existing or under construction.

SA 5426. Mr. LEVIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1233. ONE-YEAR EXTENSION OF BRIEFINGS ON QUARTERLY REPORTS ON THE WAR STRATEGY IN IRAQ.

Section 1222(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3463) is amended by striking “December 31, 2008” and inserting “December 31, 2009”.

SA 5427. Mrs. BOXER (for Mr. BAUCUS) proposed an amendment to the bill H.R. 6532, to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance; as follows:

On page 3, line 2, strike “September 30, 2008” and insert “the date of the enactment of this Act”.

SA 5428. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. ENHANCEMENT OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

The Secretary of Defense shall modify the Certificate of Release or Discharge from Active Duty (DD Form 214) to include a current electronic mail address (if any) and a current telephone number as information requested of a member of the Armed Forces by the form. Such information shall be provided only with the consent of the member of the Armed Forces.

SA 5429. Mr. NELSON of Nebraska (for himself, Ms. COLLINS, and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 395, strike lines 5 through 8 and insert the following:

(3) EXCEPTIONS FOR MILITARY CONSTRUCTION AND CERP.—The limitations in paragraphs (1) and (2) do not apply to—

(A) military construction (as that term is defined in section 2801 of title 10, United States Code); or

(B) amounts authorized to be appropriated for the Commanders’ Emergency Response Program (CERP).

SA 5430. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. PROVISION TO INJURED MEMBERS OF THE ARMED FORCES OF INFORMATION CONCERNING BENEFITS.

Section 1651 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 476; 10 U.S.C. 1071 note) is amended to read as follows:

“SEC. 1651. HANDBOOK FOR MEMBERS OF THE ARMED FORCES ON COMPENSATION AND BENEFITS AVAILABLE FOR SERIOUS INJURIES AND ILLNESSES.

“(a) INFORMATION ON AVAILABLE COMPENSATION AND BENEFITS.—Not later than October 1, 2009, the Secretary of Defense shall develop and maintain, in a handbook and on a publically-available Internet website, a comprehensive description of the compensation and other benefits to which a member of the Armed Forces, and the family of such member, would be entitled upon the separation or retirement of the member from the Armed Forces as a result of a serious injury or illness.

“(b) CONTENTS.—The handbook and Internet website shall include the following:

“(1) The range of compensation and benefits based on grade, length of service, degree of disability at separation or retirement, and other factors affecting compensation and benefits as the Secretary considers appropriate.

“(2) Information concerning the Disability Evaluation System of each military department, including—

“(A) an explanation of the process of the Disability Evaluation System;

“(B) a general timeline of the process of the Disability Evaluation System;

“(C) the role and responsibilities of the military department throughout the process of the Disability Evaluation System; and

“(D) the role and responsibilities of a member of the Armed Forces throughout the process of the Disability Evaluation System.

“(3) Benefits administered by the Department of Veterans Affairs that a member of the Armed Forces would be entitled upon the separation or retirement from the Armed Forces as a result of a serious injury or illness.

“(c) CONSULTATION.—The Secretary of Defense shall develop and maintain the comprehensive description required by subsection (a) in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Commissioner of Social Security.

“(d) UPDATE.—The Secretary of Defense shall update the comprehensive description required by subsection (a) on a periodic basis, but not less often than annually.

“(e) PROVISION TO MEMBERS.—The Secretary of the military department concerned shall provide the handbook to each member of the Armed Forces under the jurisdiction of that Secretary as soon as practicable following an injury or illness for which the member may retire or separate from the Armed Forces.

“(f) PROVISION TO REPRESENTATIVES.—If a member is incapacitated or otherwise unable to receive the handbook, the handbook shall be provided to the next of kin or a legal representative of the member, as determined in accordance with regulations prescribed by the Secretary of the military department concerned for purposes of this section.”.

SA 5431. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1056. REPORT ON ADEQUACY OF CURRENT AUTHORITIES AND PROCEDURES FOR THE PROVISION OF MILITARY ADVICE BY THE JOINT CHIEFS OF STAFF AND THE COMMANDERS OF THE COMBATANT COMMANDS TO THE SENIORMOST OFFICIALS AND COUNCILS OF THE GOVERNMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) Civilian control of and authority over the military is fundamental to United States democratic values.

(2) The tradition of civilian control of the military is a time-honored and deeply rooted value of the United States military.

(3) United States civilian leaders value the expertise, advice, and judgment of military professionals in defense and national security policy deliberations.

(4) In his commencement address at the United States Naval Academy on May 23, 2008, Admiral Mullen, the Chairman of the Joint Chiefs of Staff, said that “few things are more vital to an organization than someone who has the moral courage to question the direction in which an organization is headed and then the strength of character to support whatever final decisions are made”.

(5) In the same address, Admiral Mullen added that “the military as an institution must remain a neutral instrument of the state”.

(6) Admiral Mullen also said “that few things are more damaging to our democracy than a military officer who doesn’t have the moral courage to stand up for what’s right or the moral fiber to step aside when circumstances dictate”.

(7) The Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433) codified, in sections 151 and 164 of title 10, United States Code, the roles of the Chairman of the Joint Chiefs of Staff, other members of the Joint Chiefs of Staff, and the combatant commanders.

(8) Section 151(b) of title 10, United States Code, designates the Chairman of the Joint Chiefs of Staff as the principal military advisor to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.

(9) Section 151(b) of title 10, United States Code, also designates the other members of the Joint Chiefs of Staff (as designated in section 151(a) of title 10, United States Code) as the military advisors to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense as specified in subsections (d) and (e) of section 151 of title 10, United States Code.

(10) Section 151(c) of title 10, United States Code directs that “the Chairman shall, as he considers appropriate, consult with and seek the advice of the other members of the Joint Chiefs of Staff and the commanders of the unified and specified combatant commands”.

(11) Section 151(d) of title 10, United States Code, establishes mechanisms for members of the Joint Chiefs of Staff, other than the Chairman, to submit “to the Chairman advice or an opinion in disagreement with, or advice or an opinion in addition to the advice presented by the Chairman to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense”.

(12) Section 151(e) of title 10, United States Code, directs members of the Joint Chiefs of Staff, individually or collectively, in their capacity as military advisors to provide advice on a particular matter to the President, the National Security Council, the Homeland

Security Council, and the Secretary of Defense when requested.

(13) Section 151(f) of title 10, United States Code, permits a member of the Joint Chiefs of Staff to make recommendations to Congress relating to the Department of Defense as he considers appropriate after first informing the Secretary of Defense.

(14) Section 164 of title 10, United States Code, establishes the powers, responsibilities, and duties of the commanders of the combatant commands.

(15) The Goldwater-Nichols Department of Defense Reorganization Act of 1986 was enacted 22 years ago and the provisions of title 10, United States Code, referred to in paragraphs (8) through (14) of this subsection, as enacted by that have not been amended since except to include the Homeland Security Council as the authorized recipient of military advice from the Joint Chiefs of Staff and the commanders of the combatant commands.

(16) The employment of the Armed Forces in the 22 years since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 has produced a body of experience and lessons learned by the Joint Chiefs of Staff and the commanders of the combatant commands.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is an appropriate time in the national interests of the United States for the Joint Chiefs of Staff and the commanders of the combatant commands to review the authorities of and procedures for members of the Joint Chiefs of Staff and the commanders of the combatant commands to provide military advice to the President, the Secretary of Defense, the National Security Council, and the Homeland Security Council.

(c) REVIEW OF AUTHORITIES AND PROCEDURES.—The Chairman of the Joint Chiefs of Staff shall, in consultation with the other members of the Joint Chiefs of Staff and the commanders of the combatant commands, conduct a review of sections 151 and 164 of title 10, United States Code, for the purposes as follows:

(1) To determine whether the authorities in such sections are adequate and sufficient such that those senior military officers are afforded the opportunity to present military advice or opinion to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.

(2) To identify recommendations, if any are determined appropriate, for modifications to the authorities in such sections to ensure or enhance the provision of military advice to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense by those senior military officers.

(d) REPORT.—

(1) REPORT TO SECRETARY OF DEFENSE.—Not later than June 15, 2009, the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense a report on the review conducted under subsection (c), including a comprehensive description of the determinations made under subsection (c)(1) and of any recommendations identified under subsection (c)(2).

(2) REPORT TO CONGRESS.—Not later than July 30, 2009, the Secretary of Defense shall transmit to the congressional defense committees the report submitted under paragraph (1). In transmitting the report, the Secretary may include such comments on and recommendations regarding the report as the Secretary considers appropriate.

SA 5432. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 216, strike line 15 and all that follows through page 221, line 3, and insert the following:

“(a) MULTIYEAR CONTRACTS AUTHORIZED.—The head of an agency may enter into contracts or agreements for the acquisition of alternative or synthetic fuels, if such contracts or agreements are—

“(1) for a term of not more than 25 years;

“(2) at a price that is competitive, throughout the term of the contract or agreement concerned, with the market price of petroleum-derived fuel of similar quality; and

“(3) for a fuel that has lower lifecycle greenhouse gas emissions when compared to the lifecycle greenhouse gas emissions of conventional petroleum-based fuels that are used in the same application;

“(b) DETERMINATION OF LIFECYCLE GREENHOUSE GAS EMISSIONS.—In the case of a contract or agreement under subsection (a) for an alternative fuel or synthetic fuel, the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under such contract or agreement shall be considered to be less than such emissions for the equivalent conventional fuel produced from conventional petroleum sources if such emissions are determined to be lower—

“(1) by peer-reviewed research conducted or reviewed by a national laboratory; or

“(2) by the head of the agency, based on available research and testing.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘head of an agency’ has the meaning given that term in section 2302(1) of this title.

“(2) The term ‘alternative fuel’ has the meaning given that term in section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)).

“(3) The term ‘synthetic fuel’ means any liquid, gas, or combination thereof that—

“(A) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

“(B) is produced by chemical or physical transformation of domestic sources of energy (including coal, natural gas, biomass, ethanol, butanol, and hydrogen).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

“2410r. Multiyear procurement authority: purchase of alternative and synthetic fuels.”.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Department of Defense and other departments and agencies of the Federal Government should continue research, testing, evaluation, and use of alternative and synthetic fuels (as that term is defined in section 2410r(c) of title 10, United States Code (as added by subsection (a)) with the goals of—

(1) reducing emissions;

(2) lowering the cost of fuel; and

(3) increasing the performance, reliability, and security of fuel production and supply for the Armed Forces.

SA 5433. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the

Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title subtitle G of title X, add the following:

SEC. 1083. WEEKLY INCREASE IN BOUNTY FOR THE CAPTURE OR KILLING OF OSAMA BIN LADEN AND AYMAN AL-ZAWAHIRI.

On the date that is seven days after the date of the enactment of this Act, and every seven days thereafter until the capture or killing of such individual, the Secretary of Defense shall increase by an amount equal to \$1,000,000 the amount of the bounty payable for the capture or killing of each of the following:

- (1) Osama bin Laden.
- (2) Ayman al-Zawahiri.

SA 5434. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 722. INCREASING THE NUMBER OF PSYCHOLOGIST INTERNSHIPS.

There shall be set-aside from amounts appropriated under section 1403, \$1,775,000 for fiscal year 2009, and \$3,100,000 for fiscal year 2010, to remain available until expended, to enable the Office of the Surgeon General to increase by 30 the number of civilian psychologist internships provided for by the Office.

SA 5435. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 722. INSTITUTE OF MEDICINE STUDY ON MANAGEMENT OF MEDICATIONS FOR PHYSICALLY AND PSYCHOLOGICALLY WOUNDED MEMBERS OF THE ARMED FORCES.

(a) **STUDY REQUIRED.**—There shall be set-aside from amounts appropriated under section 1403, \$1,000,000 for fiscal year 2009 to enable the Secretary of Defense shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences for the purpose of conducting a study on the management of medications for physically and psychologically wounded members of the Armed Forces.

(b) **ELEMENTS.**—The study required under subsection (a) shall include the following:

(1) A review and assessment of current practices within the Department of Defense for the management of medications for physically and psychologically wounded members of the Armed Forces.

(2) A review and analysis of the published literature on factors contributing to the

misadministration of medications, including accidental and intentional overdoses, under and over medication, and adverse interactions among medications.

(3) An identification of the medical conditions, and of the patient management procedures of the Department of Defense, that increase the risk of misadministration of medications in populations of members of the Armed Forces.

(4) An assessment of current and best practices in the military, other government agencies, and civilian sector concerning the prescription, distribution, and management of medications, and the associated coordination of care.

(5) An identification of means for decreasing the risk of medication misadministration and associated problems with respect to physically and psychologically wounded members of the Armed Forces.

(c) **REPORT.**—Not later than 18 months after entering into the agreement for the study required under subsection (a), the Institute of Medicine shall submit to the Secretary of Defense, and to Congress, a report on the study containing such findings and determinations as the Institute of Medicine considers appropriate in light of the study.

SA 5436. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 722. TRAUMATIC BRAIN INJURY SURVEY.

There shall be set-aside from amounts appropriated under section 1403, \$1,000,000 for fiscal year 2009 to enable the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to enter into a contract with the Center for Military Health Policy Research, RAND, for the conduct of a follow-up survey of the 1,950 service member and veteran participants of the Invisible Wounds of War study to determine if there is any long-term impairment from traumatic brain injuries, to identify the factors that inhibit access to treatment, including cognitive rehabilitation for mental health disorders, and to assess conditions leading to unemployment and substance use. The analysis of the survey results shall identify priority research needs and gaps in the health care system for individuals with traumatic brain injuries and post traumatic stress disorders. The survey under this section shall be completed not later than 1 year after the date of enactment of this Act.

SA 5437. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 722. COGNITIVE REHABILITATION STUDY.

(a) **IN GENERAL.**—There shall be set-aside from amounts appropriated under section

1403, \$10,000,000 for fiscal year 2009 to enable the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the Agency for Healthcare Research and Quality, to conduct a long-term (10 year), integrated study of at least 10,000 participants (including injured service members, smaller at-risk populations, and those individuals separated from service but not seeking Veterans Administration services) concerning cognitive rehabilitation research.

(b) **REQUIREMENTS.**—The cognitive rehabilitation research study conducted under subsection (a) shall—

(1) be designed to contribute to the establishment of evidence-based practice guidelines in the area of cognitive rehabilitation including predictors of relapse and recovery;

(2) evaluate how use of health care services affects symptoms, functioning, and outcomes over time;

(3) evaluate how traumatic health injuries and mental health conditions affect physical health, economic productivity, and social functioning;

(4) evaluate how long-term impairments may be reduced based on different rehabilitation options;

(5) be designed to result in the implementation of strategies for accessing quality mental health treatment care, including cognitive rehabilitation;

(6) assess current research activity on post traumatic stress disorder and traumatic brain injury, evaluate programs, and make recommendations for strategic research priority setting; and

(7) be coordinated with the study conducted under section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364).

(c) **REPORTS.**—

(1) **BASELINE REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a baseline report on the results of the study conducted under subsection (a).

(2) **PRELIMINARY REPORT.**—Not later than 4 years after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a preliminary report on the results of the study conducted under subsection (a).

(3) **FINAL REPORT.**—Not later than 10 years after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a final report on the results of the study conducted under subsection (a).

SA 5438. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 642. SURVIVOR BENEFIT PLAN ANNUITIES FOR SPECIAL NEEDS TRUSTS ESTABLISHED FOR THE BENEFIT OF DEPENDENT CHILDREN INCAPABLE OF SELF-SUPPORT.

(a) **SPECIAL NEEDS TRUST AS ELIGIBLE BENEFICIARY.**—

(1) IN GENERAL.—Subsection (a) of section 1450 of title 10, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

“(4) SPECIAL NEEDS TRUSTS FOR SOLE BENEFIT OF CERTAIN DEPENDENT CHILDREN.—Notwithstanding subsection (i), a supplemental or special needs trust established under subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1936p(d)(4)) for the sole benefit of a dependent child considered disabled under section 1614(a)(3) of that Act (42 U.S.C. 1382c(a)(3)) who is incapable of self-support because of mental or physical incapacity.”.

(2) CONFORMING AMENDMENT.—Subsection (i) of such section is amended by inserting “(a)(4) or” after “subsection”.

(b) REGULATIONS.—Section 1455(d) of such title is amended—

(1) in the subsection caption, by striking “AND FIDUCIARIES” and inserting “, FIDUCIARIES, AND SPECIAL NEEDS TRUSTS”;

(2) in paragraph (1)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(C) a dependent child incapable of self-support because of mental or physical incapacity for whom a supplemental or special needs trust has been established under subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1936p(d)(4)).”;

(3) in paragraph (2)—

(A) by redesignating subparagraphs (C) through (H) as subparagraphs (D) through (I), respectively;

(B) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) In the case of an annuitant referred to in paragraph (1)(C), payment of the annuity to the supplemental or special needs trust established for the annuitant.”;

(C) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph, by striking “subparagraphs (D) and (E)” and inserting “subparagraphs (E) and (F)”; and

(D) in subparagraph (G), as so redesignated—

(i) by inserting “or (1)(C)” after “paragraph (1)(B)” in the matter preceding clause (i);

(ii) in clause (i), by striking “and” at the end;

(iii) in clause (ii), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following new clause:

“(iii) procedures for determining when annuity payments to a supplemental or special needs trust shall end based on the death or marriage of the dependent child for which the trust was established.”; and

(4) in paragraph (3), by striking “OR FIDUCIARY” in the paragraph caption and inserting “, FIDUCIARY, OR TRUST”.

SA 5439. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. DESIGNATION OF THE LIBERTY MEMORIAL AT THE NATIONAL WORLD WAR I MUSEUM IN KANSAS CITY, MISSOURI, AS THE NATIONAL WORLD WAR I MEMORIAL.

(a) FINDINGS.—Congress makes the following findings:

(1) Although more than 4,000,000 Americans served in World War I, there is no nationally recognized memorial honoring the service of such Americans in that war.

(2) In 1919, the people of Kansas City, Missouri, expressed an outpouring of support and raised more than \$2,000,000 in two weeks for a memorial to the service of Americans in World War I. That fundraising was an accomplishment unparalleled by any other city in the United States irrespective of population and reflected the passion of public opinion about World War I, which had so recently ended.

(3) Following the drive, a national architectural competition was held by the American Institute of Architects for designs for a memorial to the service of Americans in World War I, and the competition yielded a design by architect H. Van Buren Magonigle.

(4) On November 1, 1921, more than 100,000 people witnessed the dedication of the site for the Liberty Memorial in Kansas City, Missouri. That dedication marked the only time in history that the five allied military leaders present, Lieutenant General Baron Jacques of Belgium, General Armando Diaz of Italy, Marshal Ferdinand Foch of France, General John J. Pershing of the United States, and Admiral Lord Earl Beatty of Great Britain, were together at one place.

(5) General Pershing, a native of Missouri and the commander of the American Expeditionary Forces in World War I, noted at the November 1, 1921 dedication that “[t]he people of Kansas City, MO are deeply proud of the beautiful memorial, erected in tribute to the patriotism, the gallant achievements, and the heroic sacrifices of their sons and daughters who served in our country’s armed forces during the World War. It symbolized their grateful appreciation of duty well done, and appreciation which I share, because I know so well how richly it is merited”.

(6) During an Armistice Day ceremony in 1924, President Calvin Coolidge marked the beginning of a three-year construction project for the Liberty Memorial by the laying of the cornerstone of the memorial.

(7) The 217-foot Liberty Memorial Tower has an inscription that reads “In Honor of Those Who Served in the World War in Defense of Liberty and Our Country” as well as four stone “Guardian Spirits” representing courage, honor, patriotism, and sacrifice, which rise above the observation deck, making the Liberty Memorial a noble tribute to all who served in World War I.

(8) During a rededication for the Liberty Memorial in 1961, World War I veterans and former Presidents Harry S. Truman and Dwight D. Eisenhower recognized the memorial as a constant reminder of the sacrifices during World War I and the progress that followed.

(9) The 106th Congress recognized the Liberty Memorial as a national symbol of World War I.

(10) The 108th Congress designated the museum at the base of the Liberty Memorial as “America’s National World War I Museum”.

(11) The National World War I Museum is the only public museum in the United States specifically dedicated to the history of World War I.

(12) The National World War I Museum is known throughout the world as a major center of World War I remembrance.

(b) DESIGNATION.—The Liberty Memorial at the National World War I Museum in Kansas City, Missouri, is hereby designated as the “National World War I Memorial”.

SA 5440. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 702. IDENTIFICATION AND TREATMENT OF DRUG AND ALCOHOL DEPENDENCE IN MEMBERS OF THE ARMED FORCES UNDER TRICARE THROUGH OUTPATIENT SUBSTANCE ABUSE TREATMENT PROGRAMS.

Section 1090 of title 10, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before “The Secretary of Defense”; and

(2) by adding at the end the following new subsection:

“(b) ACTIVITIES UNDER TRICARE PROGRAM THROUGH OUTPATIENT SUBSTANCE ABUSE TREATMENT PROGRAMS.—The regulations required by subsection (a) with respect to the TRICARE program shall provide for the provision of services to identify, treat, and rehabilitate members of the armed forces under that subsection through outpatient substance abuse treatment programs.”.

SA 5441. Mr. REID (for Mr. BIDEN (for himself and Mr. LUGAR)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, after line 20, add the following:

Subtitle E—Other Matters

SEC. 1241. SPECIAL ENVOY FOR SOUTH AND CENTRAL ASIA REGIONAL COOPERATION.

(a) STATEMENT OF POLICY.—Congress declares that it is in the national interest of the United States that the countries of South and Central Asia work together to address common challenges hampering the stability, security, and development of their region and to enhance their cooperation.

(b) ESTABLISHMENT.—The President shall, by and with the advice and consent of the Senate, appoint a special envoy to promote closer cooperation between the countries of South and Central Asia. The special envoy shall have the rank of ambassador.

(c) DUTIES.—

(1) IN GENERAL.—The primary responsibility of the special envoy shall be to coordinate United States policy on issues relating to strengthening and facilitating relations between the nations of South and Central Asia for the benefit of stability and economic growth in the region.

(2) ADVISORY ROLE.—The special envoy shall advise the President and the Secretary of State, as appropriate, and, in coordination with the Assistant Secretary of State for South and Central Asian Affairs, shall make recommendations regarding effective strategies and tactics to achieve United States policy objectives to—

(A) stem cross-border terrorist activities;

(B) provide assistance to refugees to ensure orderly and voluntary repatriation from neighboring states;

(C) bolster people-to-people ties and economic cooperation between the nations of South and Central Asia, including bilateral trade relations;

(D) explore opportunities to anticipate and seek solutions to critical cross-border issues; and

(E) offer comprehensive efforts to support effective counter-narcotics strategies in South and Central Asia.

SA 5442. Mrs. MCCASKILL (for herself and Ms. MIKULSKI, and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, between lines 6 and 7, insert the following:

SEC. 323. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

(a) TIME LIMITATION.—Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5)(A) The duration of a public-private competition conducted pursuant to Office of Management and Budget Circular A-76 or any other provision of law for any function of the Department of Defense performed by Department of Defense civilian employees may not exceed a period of 720 days, commencing on the date on which the preliminary planning for the public-private competition begins through the date on which a performance decision is rendered with respect to the function.

“(B) The time period specified in subparagraph (A) for a public-private competition does not include any day during which the public-private competition is delayed by reason of a protest before the Government Accountability Office or the United States Court of Federal Claims unless the Secretary of Defense determines that the delay is caused by issues being raised during the appellate process that were not previously raised during the competition.”

(b) EFFECTIVE DATE.—Paragraph (5) of section 2461(a) of title 10, United States Code, as added by subsection (a), shall apply with respect to a public-private competition covered by such section that is being conducted on or after the date of the enactment of this Act.

SA 5443. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 455, after line 19, add the following:

SEC. 2822. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT LAND, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Interior, acting through the

Bureau of Land Management, may convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to certain lands comprising approximately 431 acres, as generally depicted on a map entitled “Proposed Camp Williams Land Transfer” and dated March 7, 2008, which are located within the boundaries of the public lands currently withdrawn for military use by the Utah National Guard and known as Camp Williams, Utah, for the purpose of permitting the Utah National Guard to use the conveyed land as provided in subsection (c).

(b) REVOCATION OF EXECUTIVE ORDER.—Executive Order No. 1922 of April 24, 1914, as amended by section 907 of the Camp W.G. Williams Land Exchange Act of 1989 (title IX of Public Law 101-628; 104 Stat. 4501), shall be revoked, only insofar as it affects the lands identified for conveyance to the State of Utah under subsection (a).

(c) REVERSIONARY INTEREST.—The lands conveyed to the State of Utah under subsection (a) shall revert to the United States if the Secretary of the Interior determines that the land, or any portion thereof, is sold or attempted to be sold, or that the land, or any portion thereof, is used for non-National Guard or non-national defense purposes. Any determination by the Secretary of the Interior under this subsection shall be made in consultation with the Secretary of Defense and the Governor of Utah and on the record after an opportunity for comment.

(d) HAZARDOUS MATERIALS.—With respect to any portion of the land conveyed under subsection (a) that the Secretary of the Interior determines is subject to reversion under subsection (c), if the Secretary of the Interior also determines that the portion of the conveyed land contains hazardous materials, the State of Utah shall pay the United States an amount equal to the fair market value of that portion of the land, and the reversionary interest shall not apply to that portion of the land.

SEC. 2823. LAND CONVEYANCE, ARMY PROPERTY, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Utah on behalf of the Utah National Guard (in this section referred to as the “State”) all right, title, and interest of the United States in and to two parcels of real property, including any improvements thereon, that are located within the boundaries of Camp Williams, Utah, consist of approximately 608 acres and 308 acres, respectively, and are identified in the Utah National Guard master plan as being necessary acquisitions for future missions of the Utah National Guard.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a), or any portion thereof, has been sold or is being used solely for non-defense, commercial purposes, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. It is not a violation of the reversionary interest for the State to lease the property, or any portion thereof, to private, commercial, or governmental interests if the lease facilitates the construction and operation of buildings, facilities, roads, or other infrastructure that directly supports the defense missions of the Utah National Guard. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the State to cover costs to be incurred by the Secretary, or to reimburse

the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 5444. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. VISION CENTER OF EXCELLENCE.

(a) FINDINGS.—Congress makes the following findings:

(1) Ocular injuries are the third highest incidence for injuries sustained in Operation Iraqi Freedom and Operation Enduring Freedom after Traumatic Brain Injury and Post Traumatic Stress Disorder.

(2) From 2002 through January 2008, more than 1,300 members of the Armed Forces suffered eye injuries in Operation Iraqi Freedom or Operation Enduring Freedom, and the Department of Veterans Affairs enrolled it its health care system more than 100 veterans of such operations who are legally blind.

(3) The most common causes of eye injury in Operation Iraqi Freedom and Operation Enduring Freedom include—

- (A) improvised explosive device blasts;
- (B) rocket propelled grenade explosions; and
- (C) gunshot wounds.

(4) In some cases, such injuries may not manifest until weeks or months following exposure to a traumatic event, including Traumatic Brain Injury. Research has found that 63 percent of Traumatic Brain Injury wounded at the Palo Alto Veterans Affairs Medical Center Polytrauma Center located at Palo Alto, California, have a visual impairment associated with Traumatic Brain Injury. In addition, general Traumatic Brain Injury screening at the Hines Department of Veterans Affairs Low Vision Clinic located at Chicago, Illinois, determined that 68 percent of all Traumatic Brain Injury veterans have a visual impairment.

(5) Section 1623 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 455; 10 U.S.C. 1071 note) requires the Secretary of Defense to establish a center of excellence for the prevention, diagnosis, mitigation, treatment, and rehabilitation of military eye injuries. That section also requires the Department of Defense to work with Department of Veterans Affairs, to the maximum extent practicable, as well as with public and private entities and institutions of higher learning, to develop a comprehensive plan and strategy for a Military Eye Injury Registry, which would track the diagnosis, surgical intervention, and follow up for each significant case of eye injury incurred by a member of the Armed Forces while serving on active duty.

(6) Section 1623 of the National Defense Authorization Act for Fiscal Year 2008 also requires the Department of Defense and the Department of Veterans Affairs to provide a cooperative program for members of the Armed Forces and veterans with traumatic eye injury by conducting research on prevention of visual dysfunctions, which is a frequent complication from Traumatic Brain Injury.

(7) On June 9, 2008, the Assistant Secretary of Defense for Health Affairs decided that the Vision Center of Excellence will be established in the National Capital Region and will be comprised of multiple clinical centers throughout the Nation at Department of Defense and Department of Veterans Affairs medical centers.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Vision Center of Excellence will be a world class vision center supporting both members of the Armed Forces and veterans;

(2) research on visual impairments related to Traumatic Brain Injury needs to be expanded, and the Vision Center of Excellence should play a key role in identifying current and future research needs;

(3) the goal of the Vision Center of Excellence is to provide all members of the Armed Forces who suffer ocular trauma or disease the most comprehensive, coordinated, progressive, and highest quality eye care possible;

(4) the Vision Center of Excellence should maximize Department of Defense, Department of Veterans Affairs, and civilian resources to ensure the most compassionate, synchronized, and professional eye care; and

(5) the Department of Defense should examine the potential benefit of screening for eye injuries when service members are screened for Traumatic Brain Injury.

(c) REPORTS TO CONGRESS.—

(1) REPORT ON IMPLEMENTATION OF VISION CENTER OF EXCELLENCE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs, submit to the Committees on Armed Services and Veterans' Affairs of the Senate and the Committees on Armed Services and Veterans' Affairs of the House of Representatives a report on the status of implementation of the Vision Center of Excellence. The report shall include, at a minimum, a description of the mission of the Vision Center of Excellence, the resources or funds available to fund the Vision Center of Excellence from fiscal years 2009 through 2013, and the planned programs and priorities of the Vision Center of Excellence.

(2) REPORT ON VISUAL SCREENINGS IN CONNECTION WITH TBI.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the feasibility and advisability of performing visual screenings on all members of the Armed Forces who experience Traumatic Brain Injury.

SA 5445. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 815. ENHANCEMENT OF BUY AMERICAN REQUIREMENTS WITH RESPECT TO SPECIALTY METALS CRITICAL TO NATIONAL SECURITY.

(a) INCLUSION OF HIGH PERFORMANCE MAGNETS AMONG SPECIALTY METALS.—Subsection (1) of section 2533b of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) High performance magnets.”.

(b) DEFINITIONS.—Subsection (m) of such section is amended by adding at the end the following new paragraphs:

“(11) The term ‘produced’, in the case of a specialty metal or high performance magnet, means melting, gas atomization, sputtering, or consolidation from powder using non-melt technology in the United States. The term does not include a rolling or finishing process such as quenching and tempering of armor plate.

“(12) The term ‘high performance magnet’ means a permanent magnet containing 10 or more percent by weight of cobalt, samarium, or nickel.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, August 10, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, September 10, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, “Improving the Federal Bridge Program: Including an Assessment of S. 3338 and H.R. 3999.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 10 a.m., in room 215 of Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Com-

mittee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 10 a.m., to conduct a hearing entitled “Expediency Versus Integrity: Do Assembly-Line Audits at the Defense Contract Audit Agency Waste Taxpayer Dollars?”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled “New Strategies for Combating Violent Crime: Drawing Lessons From Recent Experience” on Wednesday, September 10, 2008, at 10 a.m., in room SD-562 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 2:30 p.m. to conduct a hearing entitled, “Managing the Challenges of the Federal Government Transition.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION SAFETY, INFRASTRUCTURE SECURITY, AND WATER QUALITY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 3 p.m., in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, “Quality and Environmental Impacts of Bottled Water.”

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Jamie Lynch, Nathan Buniva, and Thomas Barlow, congressional fellows and staff in the office of Senator JIM WEBB, be allowed privileges of the floor during consideration of S. 3001.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I ask unanimous consent that MAJ Monique Matthews, a military legislative fellow in my office, be granted the privilege of the floor for the remainder of the discussion of the Defense bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent that Jon Cary, a military fellow from my office, be granted the privilege of the floor during consideration of the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Luke Lynch and Peter Lillis of my staff be granted the privileges of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE LIFE OF ANNE
LEGENDRE ARMSTRONG

Mr. SANDERS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to the consideration of S. Res. 645.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 645) honoring the life of Anne Legendre Armstrong.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANDERS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 645) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 645

Whereas Anne Legendre Armstrong, a pioneer for women in public service, passed away on July 30, 2008, at the age of 80;

Whereas Anne Armstrong was educated at Foxcroft School in Middleburg, Virginia, where she was valedictorian of her graduating class;

Whereas Anne Armstrong received her B.A. degree from Vassar College, where she was elected to Phi Beta Kappa in her junior year;

Whereas Anne Armstrong was an active and respected leader in the Texas Republican Party and the first female co-chair of the Republican National Committee;

Whereas Anne Armstrong served both President Richard Nixon and President Ger-

ald Ford as a Cabinet-level counselor, the first woman to do so;

Whereas Anne Armstrong was named by President Gerald Ford as the United States Ambassador to the United Kingdom, the first woman to hold that important and prestigious post;

Whereas Anne Armstrong was awarded the Presidential Medal of Freedom, the Nation's highest civilian honor, by President Ronald Reagan;

Whereas Anne Armstrong graciously hosted world leaders and other prominent individuals at the legendary Armstrong Ranch in Kenedy County, Texas;

Whereas Anne Armstrong was inducted into the Texas Women's Hall of Fame in 1986 for her numerous achievements and contributions to the State of Texas and the Nation;

Whereas Anne Armstrong lost her beloved husband Tobin in 2005, and is survived by 5 five children: J. Barclay Armstrong, Katharine Armstrong Love, Sarita Armstrong Hixon, James Armstrong, and Tobin Armstrong, Jr.;

Whereas Anne Armstrong is also survived by 13 grandchildren and a sister, Katharine Legendre King; and

Whereas Anne Armstrong will be deeply missed by the people of Texas and the Nation as a whole: Now, therefore, be it

Resolved, That the Senate honors the life of Anne Legendre Armstrong, an exemplar of dedication to public service and an inspiration for the Texans who have followed her.

HONORING THE LIFE AND ACCOMPLISHMENTS OF
STEPHANIE TUBBS JONES

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 654, submitted earlier today by Senator BROWN.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 654) honoring the life and recognizing the accomplishments of the Honorable Stephanie Tubbs Jones, a Member of the House of Representatives for the 11th congressional district of Ohio.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANDERS. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 654) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 654

Whereas Stephanie Tubbs Jones was born on September 10, 1949, in Cleveland, Ohio, and attended Case Western Reserve University and the Franklin Thomas Backus School of Law;

Whereas, in 1982, at the age of 33, Stephanie Tubbs Jones was elected to serve on the Cleveland Municipal Court;

Whereas, in 1983, Stephanie Tubbs Jones became the first African-American woman to

serve on the Court of Common Pleas in the State of Ohio;

Whereas Stephanie Tubbs Jones served as the Cuyahoga County Prosecutor from 1991 through 1999, becoming the first woman and the first African-American to hold the position;

Whereas, in 1998, Stephanie Tubbs Jones was elected to the first of 5 terms in the House of Representatives, where she was a tireless advocate for the citizens of Ohio's 11th Congressional District and championed increased access to health care, improved voting rights, and quality education for all;

Whereas Stephanie Tubbs Jones was the first African-American woman to represent the State of Ohio in Congress;

Whereas Ohio has lost a beloved daughter and the House of Representatives one of its strongest voices with the passing of Stephanie Tubbs Jones on August 20, 2008: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of the Honorable Stephanie Tubbs Jones and expresses its condolences to her family and friends and to the people of the 11th Congressional District of Ohio; and

(2) honors the life of Stephanie Tubbs Jones, a highly esteemed and accomplished Member of Congress, dedicated community leader, and tireless advocate for those in need.

ORDERS FOR THURSDAY,
SEPTEMBER 11, 2008

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10:30 a.m. tomorrow, Thursday, September 11; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that there be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half; and that following morning business, the Senate resume consideration of S. 3001, the Department of Defense authorizations bill. I further ask that there be a moment of silence at 12:30 p.m. to honor the victims of the September 11 attacks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. In addition to the moment of silence tomorrow, at 11:45 a.m. on the West front steps of the U.S. Capitol, there will be a bipartisan, bicameral congressional ceremony to honor those who lost their lives and heroically saved others in the attacks of September 11, 2001.

ORDER FOR ADJOURNMENT

Mr. SANDERS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order following the remarks of Senator LIEBERMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

DEFENSE AUTHORIZATION

Mr. LIEBERMAN. Mr. President, I rise to speak on behalf of amendment No. 5368, which Senator GRAHAM of South Carolina and I have filed. It is an amendment to the National Defense Authorization Act, which we hope to be able to call up in the next day or two.

This amendment expresses the sense of the Senate recognizing the strategic success of the troop surge in Iraq and expressing gratitude to the members of the U.S. Armed Forces who have made that success possible.

It was exactly 1 year ago today, September 10, 2007, that GEN David Petraeus came to Capitol Hill to testify about the situation in Iraq. At that time, General Petraeus laid out the facts. He gave us an accurate and honest assessment of the situation on the ground. He presented the growing evidence that the surge was working and that security there was improving.

Many, I fear, did not want to listen to General Petraeus, because many had already made up their minds about the surge. They were wedded to the idea that the surge was a mistake because they were wedded to the idea that the war was a mistake and that, in fact, we had already lost it. They didn't want to hear evidence that General Petraeus presented that day that America could still win this critical fight. As a result, even before GEN David Petraeus set foot on Capitol Hill, this honorable American soldier was met by a hail of preemptive attacks by opponents of the surge and the war.

One group, moveon.org, made the absolutely irresponsible and offensive accusation that General Petraeus would try to cook the books to justify the surge. But 1 year later, we know the truth. It was, in fact, moveon.org that was cooking the books, not General Petraeus. The general was right that the surge was working, and his critics were wrong. Had we heeded their advice to abandon the surge and retreat from Iraq in 2007, the United States would have suffered by its own decision a catastrophic defeat in Iraq that would have had terrible consequences far beyond Iraq for years to come. Fortunately, we did not abandon General Petraeus and his brave troops, and as a result, the situation in Iraq has now completely reversed.

In the 12 months since General Petraeus came before Congress to testify on this very day a year ago, almost every imaginable indicator of progress in Iraq, particularly political, economic, military, and security, has changed for the better. The surge is not just a tactical success, as some of its opponents have suggested. It is a strategic success for the United States and for the cause of freedom. Because of the surge, our two most threatening

enemies in the world today—al-Qaida and Iran—are weaker and America is safer.

I don't believe this is a matter of opinion by this Senator. I believe it is now a matter of fact that should be acknowledged. I know some opponents of the surge have recently tried to write off this remarkable success by claiming it doesn't matter. They say the success of the surge is irrelevant because Iraq itself is irrelevant, a distraction from the real central front of the war on terror which they say is Afghanistan.

This is a profoundly mistaken and misguided argument. Both Iraq and Afghanistan are important, but I ask my colleagues: Does anyone here believe it is irrelevant if al-Qaida wins or loses in Iraq, a nation that historically has been at the heart of the Arab world? Does anyone here really believe it is irrelevant if Iran succeeds or fails in its efforts to seize control of Iraq? Does anyone really want to tell our brave men and women in uniform in Iraq that the hard-won gains they have achieved over the past year, the lives that have been lost in that effort through their struggle and sacrifice are irrelevant? The answer, to me, is clearly no.

So let there be no doubt, the outcome of the war in Iraq is anything but irrelevant. On the contrary, in my opinion, there are few matters more important to the safety and security of the United States today than whether we win or lose in Iraq.

If there is anyone in this Chamber who doubts the strategic stakes in Iraq, I urge them to listen to General Petraeus. Listen to General Petraeus who warned us in an interview published today in the Washington Post that "Iraq is still viewed as the central front for al-Qaida." Let me repeat that: "Iraq is still viewed as the central front for al-Qaida," which is to say by al-Qaida. Not Afghanistan, Iraq; not Pakistan, Iraq.

This is not the opinion of a Member of Congress. It is not the opinion of a politician running for office. It is the judgment of America's most successful battlefield commander in the war on terror which began 7 years ago tomorrow when America was brutally attacked on 9/11/2001. This is the judgment of a general whom this Senate confirmed as the Supreme Commander for U.S. Forces in the Middle East and South Asia, who is soon to become the Commander in Chief at CENTCOM. What this general tells us is that it is Iraq, not Afghanistan, that is the central front of al-Qaida's war on us as defined by them, by the enemy.

One year ago, many in Congress did not want to listen to General Petraeus. In the 12 months since then, however, we have been presented with ample evidence why that was a mistake. I hope we will not repeat that mistake again.

So today on the 1-year anniversary of General Petraeus's testimony before Congress, let's resolve to come together across party lines. It is time to

recognize reality. It is time to acknowledge that the surge has been a strategic success in the central front of the war on the terrorists who attacked us 7 years ago tomorrow morning. It is time to express thanks to our courageous men and women in uniform who made the surge possible, rather than undercutting their struggle and sacrifices as irrelevant. And it is time to pledge that the hard-won gains secured by the surge will be honored and preserved, not squandered by attempts to impose arbitrary timetables for withdrawal, regardless of what is happening on the ground in Iraq.

The good news is that all of the troops who were sent to Iraq as part of the surge, approximately 30,000, have now returned home because of the success of the surge, and they are not being replaced. President Bush announced just yesterday that an additional 8,000 troops will be withdrawn by next February. Again, because the surge has worked, because the Iraq Security Forces are more capable of protecting their own country, because the political leadership of the country has come together to govern—giant steps along the path to what we have been hoping for throughout this conflict.

That is why Senator GRAHAM and I have offered this bipartisan amendment to the National Defense Authorization Act. We hope the Senate can unite to take up and adopt this amendment. It is not going to happen today on the 1-year anniversary of the Petraeus testimony, but I hope it will happen soon.

Let's stop for a moment, is what we are asking, and acknowledge the historic significance of what has been achieved at great sacrifice by the men and women who have worn the uniform of the United States, by the coalition forces who have been there, and, indeed, by the Iraq Security Forces themselves.

Eighteen months ago, Iraq was in chaos. Very few thought we could achieve success there. Yet now in the space of less than 2 years an extraordinary turnaround, one of the most remarkable in the history of the American military, the proud history of the American military, has been brought about. I truly believe the men and women who have served there under General Petraeus, now soon under General Odierno, a wonderfully prepared and able and strong leader, will be viewed by history as America's next or newest "greatest generation."

Obviously, there is still much we need to do to secure ultimate victory in Iraq. Of course, we still face other great challenges from terrorists throughout the world and from others, such as autocratic powers rising again.

But at this moment, particularly on this day, I wanted to give thanks for the truly historic achievement that belongs to GEN David Petraeus and the men and women of the American military who have served under him. I hope this amendment can be brought up, and

when it is, we will come together as Americans who are grateful to our troops for a job well done.

I thank the Chair. I thank everyone here who stayed until I finished.

I yield the floor and wish everyone a good night.

ADJOURNMENT UNTIL 10:30 A.M.
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10:30 a.m. tomorrow.

Thereupon, the Senate, at 7:46 p.m., adjourned until Thursday, September 11, 2008, at 10:30 a.m.

EXTENSIONS OF REMARKS

TRIBUTE TO THE TOWN OF BELLE

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mrs. CAPITO. Madam Speaker, I rise today to honor the Town of Belle, WV as it celebrates its 50th year of incorporation.

Located in Kanawha County along the Kanawha River, Belle was incorporated on December 13th of 1958 by the Kanawha County Circuit Court.

For half a century now, Belle has been the home to many hardworking men and women with great values and a strong sense of community. Past and present mayors, councilpersons, employees, and community leaders have all played an integral role in shaping the town. Their hard work has provided jobs and opportunities to many people.

Even before incorporation, Belle was home to DuPont. Breaking ground in 1925, it has maintained a strong presence in the area for over 80 years. DuPont Belle has special significance in the history of the chemical industry. The plant's central location provides overnight delivery to two-thirds of the U.S. population and one-third of the Canadian population. It is the nation's first commercial ammonia synthesis site. At Belle, DuPont developed the technology to manufacture nylon. The town of Belle and state of West Virginia have experienced labor with industry-specific skills which allows them to offer an unmatched advantage in the chemical business.

It is an honor to pay tribute to Belle, a town that represents the best of America's small towns. I wish congratulations to Belle as it celebrates half a century of incorporation in the Mountain State.

CONGRATULATING THE STOCKDALE HIGH SCHOOL MUSTANGS VARSITY BASEBALL TEAM

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor the student athletes and coaches of the Stockdale High School Mustangs varsity baseball team. The Mustangs won the 2008 Central Section Division I Baseball Championship, also known as the Valley Baseball Championship, on May 22, 2008. In addition, the Stockdale Mustangs baseball team was ranked 2nd in the entire state of California (Division I) and 20th in the nation. Its achievements make the Mustangs the highest ranking team in Kern County history.

On May 22, 2008, the Stockdale Mustangs defeated Clovis High School 7–6 in its final game of the season to win, for the first time in Mustang history, the Valley Baseball Cham-

ionship. This was a truly outstanding achievement to cap a remarkable season, a season where the Mustangs finished with a record of 31–1. The game was an amazing come-from-behind victory, where the Mustangs scored three runs to tie the score in the bottom of the sixth, and pulled ahead two innings later with a game-winning single to right field. With the Mustangs' optimism, athleticism, skill and hard work, the Stockdale High School fans, students and community members were treated to an exciting and memorable championship game.

I would like to extend my congratulations to the Stockdale High School Mustangs student athletes for their impressive championship win and strong 2008 season. The 2008 roster included Ryan Lay, Jeff Dolinar, Jonathan Broida, Kyle Desimone, Ryan Drown, Greg Osteen, J.D. Reed, Philip Valos, Dominic Chavez, Justin Williamson, Brock Allen, Jared Schweitzer, Travis Boos, Ren Floyd, Ryan Atherly, Travis Maytubby, Imaad Nuriddin, Scott Denesha, Eric Matthews, K.C. Hobson, Tyler Boren, Aaron Hartman, Steven Eyherabide, Ryan Espinoza, and team manager Jack Robson.

I also want to congratulate the coaching staff who helped lead the team to its championship season. The Mustangs head coach is Dan Lemon and his coaching staff includes assistant coaches Greg Showers, Travis Debondt, Butch Hobson, and Lance Stevens.

Participation in extracurricular activities is a wonderful component of a high school education because it provides opportunities for leadership, teamwork and competition. These essential characteristics for a well-rounded education are especially distinct in the Stockdale High School's exemplary athletic programs. The months of physical and mental training and the dedication to teamwork that was required to win this Valley Championship, as well as all their unprecedented achievements, will benefit these young men in their years to come.

On behalf of the residents of the 22nd Congressional District, I once again commend the Stockdale High School Mustangs on winning the 2008 Central Section Division I Baseball Championship, and I know the parents, teachers, neighbors and fans of our community will remember this season for many years to come.

CONGRATULATING GRAYHAWK ELEMENTARY SCHOOL

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. MITCHELL. Madam Speaker, I rise today in recognition of the Grayhawk Elementary School for being named by Project Tomorrow as a Speak Up Top 200 school. This honor is in recognition of the school's incorporation of the views of students, parents, and

educators in their educational decision making, with an emphasis on the implementation of new technologies.

Grayhawk Elementary School has done an exemplary job of putting communication channels in place in order for the needs of the students to be recognized and for the concerns of the parents to be taken into account. With this information available, teachers are better able to engage and inspire their students.

As a former teacher and a member of the Science and Technology Committee, I am especially proud of the achievements of this school. It takes a great deal of time and effort from both parents and educators to spark students' creativity; a feat I believe can only be achieved through open communication. Also with the great strides that have been made recently in the technology industry, it is paramount that our students, teachers, and parents are up to date with our constantly changing technological landscape.

Grayhawk Elementary was chosen by as a Top 200 school out of a pool of over 10,000 schools nationwide. The school signifies the progressive approach necessary in order for our children to receive the best education possible. It is for these reasons and many more that I congratulate Grayhawk Elementary School for its achievement and urge its educators, parents, and students to continue to strive for excellence in the future.

HONORING LIEUTENANT GENERAL JOHN A. BRADLEY ON THE OCCASION OF HIS RETIREMENT

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. COOPER. Madam Speaker, I rise today to salute a man who has touched the lives of so many Tennesseans, as well as many the world, through his long and distinguished military career, culminating as Chief of the Air Force Reserve and commander for the Air Force Reserve Command.

General John A. Bradley was commissioned in 1967 after completing the Air Force ROTC program as a distinguished graduate at the University of Tennessee at Knoxville.

As a fighter pilot, General Bradley flew 337 combat missions in Vietnam. He commanded a fighter training squadron, fighter group and wing and Reserve numbered air force. General Bradley also served as the Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters. He has over 7,000 flying hours in the T–38, A–37, A–10, F–4 and F–16.

General Bradley's noteworthy service has been recognized for his service with numerous devices on medals for the Distinguished Service Medal, Defense Superior Service Medal, Legion of Merit, Distinguished Flying Cross, Combat Readiness Medal, Vietnam Service

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Medal, Southwest Asia Service Medal, Global War on Terrorism Service Medal, Republic of Vietnam Gallantry Cross, Republic of Vietnam Campaign Medal, and Kuwait Liberation Medal, Government of Kuwait.

General Bradley's superior leadership propelled the Air Force Reserve Command to meet or exceed every mission requirement while effectively managing limited resources in an ever-changing, post-September-11 environment. His "One Air Force, Same Fight . . . an Unrivaled Wingman" Vision provided a roadmap for the Air Force Reserve Command to execute over 39 Total Force Integration and Base Realignment and Closure changes affecting 75 percent of its units.

He supported the Combatant Commands with over 27,000 volunteer and mobilized reservists. He proactively led the Command's steadfast support of Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom as well as the rapid response to the 2005 hurricane strikes. As the Air Force lead for the Air Force Smart Operations 21 Caring for People process, he made recommendations to improve programs essential to the health and welfare of Airmen.

General Bradley has retired home to Nashville, TN. On behalf of a grateful Nation, I thank General Bradley, his wife Jan and their daughter Leigh Ann for their commitment and sacrifices made throughout this distinguished military career. Congratulations on completing an outstanding and successful career.

COMMEMORATING BHUTAN'S PARTICIPATION IN THE SMITHSONIAN FOLKLIFE FESTIVAL

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. REYES. Mr. Speaker, I rise to express my support for H. Res. 1307, a resolution commemorating the Kingdom of Bhutan's participation in the 2008 Smithsonian Folklife Festival and commending the people and the Government of the Kingdom of Bhutan for their commitment to holding elections and broadening political participation.

The Kingdom of Bhutan has a very special relationship with the University of Texas at El Paso, UTEP, community and the people of El Paso, TX. This year's Smithsonian Folklife Festival presented a truly rare opportunity for UTEP and the El Paso community to join with the Kingdom of Bhutan to showcase our two cultures in the Nation's Capital. People had the opportunity to listen to El Paso mariachis and watch traditional Bhutanese dances at the National Mall. The show was one-of-a-kind.

Bhutan is currently transitioning to parliamentary democracy, and the resolution under consideration today commends the Bhutanese people, and in particular King Jigme Singye Wangchuck, for advancing democratic institutions in the Himalayan nation.

During this critical time in Bhutan's history, it is fitting that the Kingdom was included in the 2008 Smithsonian Folklife Festival. The Folklife Festival is the largest annual cultural event in the U.S. Capital, featuring a different nation, region, State, and theme each year. This year's festival showcased the Kingdom of

Bhutan, the State of Texas, and commemorated the 50th anniversary of NASA.

The festival also celebrated UTEP's ties to the Kingdom of Bhutan, and featured El Paso mariachi band Los Arrieros and musicians and dancers from Bhutan. UTEP President Diana Natalico and City Representative Susie Byrd welcomed the standing-room-only crowd to the performance.

As an added bonus, Bhutanese carpenters and skilled artisans constructed a traditional Bhutanese structure on the National Mall as gift of friendship for the people of the United States. The structure, one of the largest traditional buildings ever constructed on the National Mall, will be housed at UTEP for permanent display. UTEP students traveled to Washington, DC, to film a documentary about the 30-foot structure and the Folklife Festival.

Following the Smithsonian Folklife Festival, several Bhutanese performers traveled to El Paso to perform at the 2008 Bhutan Festival at UTEP. The event gave El Pasoans the opportunity to learn about Bhutanese culture and traditions.

These cooperative efforts between our two nations enrich both the United States and the Kingdom of Bhutan, and I rise today to join my colleagues in honoring the people of Bhutan as they shift to a more representative form of government.

EXPRESSING THE CONDOLENCES OF THE HOUSE OF REPRESENTATIVES ON THE DEATH OF THE HONORABLE STEPHANIE TUBBS JONES, A REPRESENTATIVE OF THE STATE OF OHIO

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Ms. McCOLLUM of Minnesota. Mr. Speaker, it is with tremendous sadness that I rise to mourn the passing of our dear colleague, the Honorable STEPHANIE TUBBS JONES of Ohio. STEPHANIE's death is an unbelievable tragedy for her family and all of us who loved her. It is a tremendous loss for her Cleveland constituents and our Nation. Her passing reminds us how precious life is and how we must treasure the time we spend with our loved ones.

STEPHANIE's absence is profoundly personal for me because she was a very special person and a friend. Many, many memories and personal stories come to mind when I think of her. She was a caring person who showed her kindness and friendship freely. Her deep, strong, loving voice is memorable. STEPHANIE's energy and strength—almost fearlessness—to fight for what she believed in, and at the same time, be open to opposing points of view was admirable.

I can't count the number of times I watched STEPHANIE on the floor of this House boldly speaking out on behalf of Americans and her Ohio constituents. She was passionate and never shied away from fighting for justice, equality, and the belief that this great country can do so much better for so many of the citizens who have been left behind. A powerful voice for justice in Congress and an extraordinary public servant is the best way I can describe STEPHANIE and her legacy.

As the chair of the House Ethics Committee, Congresswoman TUBBS JONES had one of the most difficult duties in Congress. Her experience as a judge and a prosecutor made her perfectly suited for the responsibility of maintaining the integrity of the U.S. House of Representatives.

Today is STEPHANIE's 59th birthday. It is heartbreaking that she is not here with us, but I am proud to celebrate her life of service and her commitment to both her family and the families she represented. Congresswoman TUBBS JONES was the epitome of a citizen servant and demonstrated to all who knew her a spirit of joy, hope and compassion. I feel honored to have known her and privileged to have served with her in this House. STEPHANIE will be missed by me and many others, but she will not be forgotten.

IN MEMEORIAL OF OFFICER
ISABEL NAZARIO

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Ms. SCHWARTZ. Madam Speaker, on Friday September 5, 2008, Officer Isabel Nazario, an 18-year veteran of the Philadelphia Police Department and a constituent of the 13th Congressional District was killed in a crash while assisting fellow officers in the pursuit of a stolen vehicle. The crash also injured her partner, 12-year veteran Terry Tull.

Officer Nazario, 40, left behind a 15-year-old daughter, Jazmin, and a fiancée, Carlos Buitrago. She was remembered by her friends and colleagues as a "beautiful mother" and "a great officer."

Police Commissioner Charles Ramsey called her, "a very, very good officer in a very high-profile unit with highly motivated officers."

Philadelphia Mayor Michael Nutter said she "was a dedicated public servant who spent her life protecting others."

Fraternal Order of Police Lodge No. 5 President John McNesby said, "She had a great work ethic and a great reputation on the street. She was always willing to do what needed to be done."

Officer Nazario joined the Department because she was called to make her community a better place. A graduate of Olney High School in Northeast Philadelphia, Nazario was promoted to the Narcotics Strike Force division 12 years ago. She was part of a police family, her sister Maritza Mohamad and her fiancée were also Philadelphia Police Officers.

Jazmin Nazario said the thing that she admired most about her mother was her strength—the type of strength that enabled a single mother to walk the beat through city streets and put away criminals.

Madam Speaker, in the 4 years I have represented the people of the 13th Congressional District, 4 police officers from my district have been killed in the line of duty. The loss to families, communities and the force is acute. It is our duty to recognize the sacrifice of our law enforcement officers who put themselves in harm's way to protect the people of our great city.

I ask that the House of Representatives extend its condolences to Jazmin Nazario, her family, and the Philadelphia Police Department for their significant loss.

CHEMUNG CANAL TRUST
COMPANY**HON. JOHN R. "RANDY" KUHL, JR.**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. KUHL of New York. Madam Speaker, in the fall of 1833, the Chemung Canal Trust Company opened its doors to the public and has continued to serve the Chemung community through banking, loans, and investment opportunities.

Over the last 175 years Chemung Canal Trust Company has continued to grow and now includes three of the counties that I represent in 29th district of New York including Chemung, Schuyler, and Steuben counties.

From providing the funds for a family to purchase their dream home to allocating loans so a student can pursue a higher education degree, Chemung Canal Trust has made a difference in New York for 175 years. And through the last 175 years, they have not lost their commitment and dedication to this community.

I want to congratulate all of the employers, patrons, and everyone associated with Chemung Canal Trust Company for this amazing accomplishment. I know that this company will flourish for another 175 years and will continue to be a strong contributor to the people of my district and to businesses in New York.

TRIBUTE TO CHIEF RICHARD
GONZALES**HON. KEN CALVERT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the city of Corona, California are exceptional. Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Corona Police Chief Richard Gonzales is one of these individuals. On September 12, 2008, Richard Gonzales will retire as the Corona Chief of Police.

A native Californian, born in Los Angeles, Richard makes his home in Corona with his wife Terry. Richard was sworn in as Corona's Police Chief on February 17, 1998. Previously, he spent 26 years the Los Angeles Police Department, beginning in 1972 as a patrol officer and retiring in 1998 as Captain III overseeing a staff of 170 at Hollenbeck Division. Prior to this he was the commanding officer of the 77th Street area.

Chief Gonzales holds a Master of Arts Degree in Public Administration and a Bachelor of Science Degree in Criminal Justice, both from Cal State Long Beach. He is a graduate of the FBI National Academy in Quantico, Virginia and in 2001 he attended the FBINA LEEDS Training. He has attained an "Executive" POST Certificate. He previously taught a POST supervisory course at the Ben Clark Training Center in Riverside for the Sheriff's Department and a POST supervisory LDSP course at Golden West College.

During his tenure as Chief of Police for the city of Corona, Gonzales oversaw the growth of the department from 114 officers to 189 officers. In addition, he advocated for the acquisition of a mobile command post, computers for patrol cars and an indoor shooting range that is 25 lanes wide. Chief Gonzales has been an excellent public servant who has consistently provided for the safety and well-being of the community of Corona.

Chief Gonzales is also actively involved in community youth activities as a board member of UNITY. His hobbies include golf and jogging and he is a member of his department's Baker-to-Vegas running team. Chief Gonzales has actively instituted partnerships with the local school district, ministerial groups and other service organizations to keep our community safe and raise the quality of life we share here in Corona. In 1999, Chief Gonzales was honored by the Inland Empire Hispanic Image Awards as "Public Safety Person of the Year" and in 2001 received the Ira Calvert Distinguished Citizen of the Year award. In July, 2003, he received the "Law Administrator of the Year" award from the California School Resource Officers' Association.

Richard's tireless passion for community service has contributed immensely to the betterment of the community of Corona, California. I am proud to call Richard a fellow community member, American, and friend. I know that many community members are grateful for his service and salute him as he retires.

IN RECOGNITION OF NATIONAL
ALCOHOL AND DRUG ADDICTION
RECOVERY MONTH**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. ANDREWS. Madam Speaker, whereas, 22.2 million people in the United States have faced a substance use disorder in the past year, and all deserve to experience the many benefits of recovery; and

Whereas, treatment reduces reported job problems, including incomplete work and absenteeism, by an average of 75 percent; and

Whereas, treatment is cost effective, with some measurements showing a benefit-to-cost ratio of up to 7:1, with substance use disorder treatment costing \$1,583 per person on average and having a monetary benefit to society of nearly \$11,487 for each person treated; and

Whereas, we must recognize the financial savings associated with treatment services, and ensure that such services are readily available to those who need assistance; and

Whereas, cost and insurance barriers present obstacles to those who need access to treatment facilities and want to re-establish their place in the community; and

Whereas, it is critical that we educate our community members and local businesses that substance use disorders are a treatable, yet serious health care problem, and by taking steps to address it, as well as provide support for the families and children of those with these disorders, we can save both lives and dollars; and

Whereas, to help achieve this goal, the U.S. Department of Health and Human Services,

the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and The South Jersey Coalition invite all residents of 1st Congressional District of New Jersey to participate in National Alcohol and Drug Addiction Recovery Month (Recovery Month); and now, therefore,

I, Congressman ROB ANDREWS, do hereby proclaim the month of September 2008 as National Alcohol and Drug Addiction Recovery Month in the 1st Congressional District and call upon the people of the 1st Congressional District to observe this month with appropriate programs, activities, and ceremonies supporting this year's theme, "Join the Voices for Recovery: Saving Lives, Saving Dollars."

PREVENT ALL CIGARETTE
TRAFFICKING ACT OF 2008

SPEECH OF

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. ROSKAM. Mr. Speaker, I rise today in support of H.R. 4081, the Prevent All Cigarette Trafficking, PACT, Act of 2008, and commend Mr. WEINER and Mr. SMITH for their hard work on this important bill. By some accounts, my own State of Illinois has lost \$214 million last year alone due to smuggling, counterfeit products, and Internet sales.

The illegal trafficking of cigarettes not only results in the loss of Federal, State and local taxes on those products, but it is also of very serious consequence because much of these profits is going to fund criminal and terrorist activities.

Currently, there is technology available that can dramatically improve the States' tobacco tax security systems. One such system, currently in use by the State of California with great success, about to be implemented by New Jersey and under consideration by other States as well, is manufactured in my district. My hope is we can move forward on this issue to ensure these new technologies can be part of a bigger solution.

With that, Mr. Speaker, I look forward to working with my colleagues in the future to pursue ways in which the Congress can assist States in understanding and implementing such systems to combat smuggling of tobacco products.

INTRODUCING LEGISLATION TO
AWARD DR. JOSEPH B. KIRSNER
THE CONGRESSIONAL GOLD
MEDAL**HON. MARK STEVEN KIRK**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. KIRK. Madam Speaker, I am proud to introduce this bill to award Dr. Joseph B. Kirsner the Congressional Gold Medal for his outstanding work in the medical field of gastroenterology.

The son of Russian immigrants, Kirsner overcame adversity as a young man and graduated from Tufts University School of Medicine

at the top of his class. He went on to earn his medical degree at the University of Chicago. While training in Chicago, he became an expert in gastroenterology and helped to make the University of Chicago the premier center for research and therapy of inflammatory bowel disease. His leadership and research led to unprecedented medical advances in the field of gastroenterology, enhancing the lives of people across the world.

Despite his devotion to his research, Kirsner was compelled to join the Armed Forces in World War II, earning a third battle star in the battle of the Philippines before serving under General Douglas MacArthur in Japan. Following the war, Kirsner became a full professor of medicine at the University of Chicago. During his time as a professor, he published over 700 papers and 15 books, and gave over 25 named lectureships. He has served as a leader on a number of boards and foundations, such as the National Institutes of Health, the American Gastroenterological Association and the Chicago Medical Society. Despite all of his world-renowned successes, he continues to provide personal care to patients from across the country.

Dr. Kirsner, a World War II veteran and devoted civil servant to the field of medicine, has lived his life in service to others, deserving of national recognition for his honorable contribution to our country.

A TRIBUTE TO SUSAN PRATHER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. GEORGE MILLER of California. Madam Speaker, I rise today along with my colleague, Congresswoman ELLEN O. TAUSCHER, to commemorate and celebrate the life and accomplishments of life-long Contra Costa County resident and untiring social service advocate, Ms. Susan Prather. For over 30 years, Susan Prather successfully battled the establishment at all levels of government on behalf of our most vulnerable citizens—our homeless. Sadly, on July 29th, she lost her own battle with cancer, and we all lost a true treasure in our community.

Susan's commitment to the needs of the homeless began in 1976, when she was working at a senior meals program and was confronted with the struggles of the homeless and poor of Contra Costa County. Using her own financial resources, she began by single-handedly providing what help she could. She held down multiple jobs to support herself during the day; after hours she traveled the streets of Richmond, Concord, and Berkeley helping the homeless one client at a time. Her commitment to her clients of all ages often took her to their encampments with city and county officials and even Members of Congress in tow. She is well known for the tremendous pressure she put on public officials to make the concerns of the poor and homeless a top priority and increase both funding and services nationwide. She wanted to make sure that those in positions of power could put a face to the problem of homelessness.

In 1999, the City of Walnut Creek hired Susan to initiate the outreach program now known as Fresh Start. Under Susan's direction

the program proved highly successful. When the funding ran out a short 2 years later, Susan transitioned Fresh Start into a private non-profit organization and it flourished under her leadership. In her role as Founder and Executive Director of Fresh Start, Susan provided her clients with clothing, meals, showers, counseling and other critical social services. She has helped countless residents find jobs and establish homes for themselves and their families.

Over her years of service, Susan Prather has been recognized by a long list of government agencies and private organizations for her outstanding community work. In 1994, the California State Assembly recognized her efforts in a formal resolution. In 2002 she received the "Women Working for Justice" award from the Contra Costa County Commission for Women. In 2004, she was Honorably Mentioned at the Contra Costa County Humanitarian of the Year Awards Ceremony. Also in 2004, the Walnut Creek Journal named Ms. Prather one of the "Six People Who Made Our Lives Better in 2003". Susan certainly made life better for the countless poor and homeless residents of Contra Costa County and in doing so, she raised the quality of life for us all.

To Susan's family and friends, we extend our heartfelt condolences. Your loss is shared not only by those who knew Susan personally, but also by all who have been touched by the work she has done. We will be forever grateful for the courage, compassion, integrity, and tenacity with which she sought to make our community a better place for everyone. Susan Prather will be deeply missed and in her memory, we must vow to continue the work she started.

HONORING STATE SENATOR LEWIS H. ENTZ

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. SALAZAR. Madam Speaker, I rise today to honor a great Coloradan and a great American former State Senator Lewis H. Entz.

Senator Entz is a native of Colorado's San Luis Valley and has been a tireless champion for rural veterans in Colorado. A potato farmer from Hooper, he served our Nation as a United States Marine during the Korean war.

He served as a State representative from 1983 to 1998, and then was appointed in 2001 to serve as State senator. In 2006, Senator Entz returned to private life.

During his tenure at the State level, Senator Entz routinely showed his commitment to Colorado's rural veterans. He carried the legislation which created the Homelake Veterans Nursing Home in Homelake, Colorado. He consistently fought for State capital dollars to ensure Homelake's ongoing service to Colorado's elderly veterans.

Today, he serves on the Colorado Board of Commissioners of State and Veterans Nursing Homes. He is also an active member of the Homelake Foundation Board where he continues to work tirelessly to preserve and rehabilitate one of Colorado's most prized and historic veteran's care facilities.

Most recently, Senator Entz completed a 6-year process of acquiring and installing an

A7-D Corsair to be displayed at Homelake in honor of our Air Force's contributions to tactical, close air ground support for our troops during the Vietnam war.

A life long member of the Veterans of Foreign Wars and American Legion, Senator Entz remains one of the strongest advocates for rural veterans in Colorado.

Senator Entz is also a brave survivor of colon and prostate cancer.

A twin and 1 of 11 children, Senator Entz his wife, Lorie, have four children: Cindy, Mike, Sandy, and Cathy.

His efforts to improve the quality of life of elderly veterans at Homelake makes him one of my heroes.

CONGRATULATING DR. RENU KHATOR AS THE NEW PRESIDENT AND CHANCELLOR OF THE UNIVERSITY OF HOUSTON SYSTEM

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to congratulate Dr. Renu Khator as the new President and Chancellor of the University of Houston System.

Dr. Renu Khator has been a long-time advocate of higher education. She dedicated 22 years of her career to the University of South Florida and, at the helm of it, was awarded the position of provost and senior vice president. Her tenure at South Florida is highlighted by leading the expansion of its sponsored research and overseeing an annual \$1.6 billion budget for the university.

Her accomplishments lend experience that will positively shape the future of the University of Houston System. She has already shown exceptional enthusiasm and dedication toward students enrolled in the System. Within the first 100 days of her appointment, she gained feedback from over 12,000 students on issues that most concern them. Based on this feedback, it has become one of her top priorities to build a reputation for the University of Houston as a nationally recognized research institution. I have complete confidence that Dr. Khator, the UH faculty, staff and students will achieve this goal and as an institution and community continue to serve as an example of excellence to public universities throughout our country.

Madam Speaker, it is my pleasure to recognize and congratulate Dr. Renu Khator as the new president and chancellor of my alma mater, the University of Houston.

IN HONOR OF STORK MEDICAL

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Stork Medical, a company that fulfills a great need in the medical community.

Hope is a powerful emotion. It can turn despair into jubilation; futility into purpose, fear

into comfort; and isolation into community. Because Stork Medical and Community Blood Services are helping to provide hope to our military, it is my privilege to honor these patriotic companies with this resolution. Their forward thinking and generous program makes umbilical cord blood storage affordable to all who have ever served in our military, and are thus transforming this abstract word into a tangible commodity.

With the help of Stork Medical and Community Blood Services, the depressed soldier lying in bed, recovering from war injuries, will now have the hope that stored cord blood may one day repair his or her spinal cord injury, brain trauma, or even restore an amputated limb. Hope enables a smile to appear, a laugh to become audible, and allows healing to truly begin. To be sure, hope is potent medicine.

Families of our soldiers bravely live in a perpetual state of anxiety, constantly praying for the safe return of their beloved. These families, who reluctantly send their loved ones into battle, now have the hope that if a major injury occurs, it may one day be reversible through the use of this "liquid gold." With stem cells already being used to build new fingers, bladders, noses, heart valves, and cartilage, it is more than just a "wish."

Madam Speaker, it is indeed "hope." With their proven ability to treat many leukemias and cancers, these cells, which are harvested without any injury to the baby or mother, offer protection for soldiers exposed to chemical warfare and other toxic battlefield substances. Since these cells can be used for any close family member, they also offer added protection against many of the unspoken fears that young parents harbor.

This gift is a spectacular example of patriotism in its finest form. This program is offered by private enterprise without asking for a single tax dollar. It demonstrates that everyone can play a part in defending our freedom and liberty. As our military and their families sacrifice to defend all that we hold dear, Stork Medical and Community Blood Services have put hope into action.

IN RECOGNITION OF GERALD W. FOGELSON ON HIS 75TH BIRTHDAY

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. EMANUEL. Madam Speaker, I rise today to wish Gerald W. Fogelson a very happy 75th birthday today.

Mr. Fogelson is the founder and CEO of the Fogelson Group and has been involved in real estate since 1955. In 2003, he was inducted into the Chicago Association of Realtors Hall of Fame for his leadership in the industry and in the community.

Mr. Fogelson's long career has been filled with many accomplishments, including being an early pioneer of planned unit development in the United States, as well as other mixed-use developments. Furthermore, Mr. Fogelson's portfolio encompasses large, diverse, and high quality ventures in several states.

Throughout his career, Mr. Fogelson worked with municipal governments for more than just real estate interests; he was committed to

working to improve his community. Mr. Fogelson is an active member of numerous charitable and philanthropic organizations, and was a cofounder of the renowned Chicago School of Real Estate at Roosevelt University.

Madam Speaker, Gerald Fogelson has been a leader in real estate and a great Chicagoan. I am proud to recognize Mr. Fogelson for his accomplishments and wish him a very happy 75th birthday with many more to come.

HONORING ADA BUDRICK CHILD CARE AND LEARNING CENTER

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor Ada Budrick Child Care and Learning Center, a pre-school in Boonton, New Jersey, an exceptional organization I am proud to represent! On August 28, 2008 Ada Budrick celebrated 40 years of educating young children from low-income families.

Ada Budrick is a non-profit early childhood education center, accredited by the National Association for Education of Young Children.

Ada Budrick provides an opportunity for children of low-income families to enter school on an equal footing with their peers. Its primary goals are to provide a secure, stimulating and loving atmosphere for self-discovery, and to develop feelings of self-worth and accomplishment by stressing cooperation and involvement through interactive learning.

Ada Budrick Child Care and Learning Center was founded in 1968 in the Town of Boonton by Ada Budrick, a local welfare leader. The program primarily serves low-income and single parent families of multi-cultural and multi-lingual backgrounds in Morris County, New Jersey. It has grown and changed over the years to meet the needs of this community.

Madam Speaker, I urge you and my colleagues to join me in congratulating the dedicated and talented trustees and staff of Ada Budrick Child Care and Learning Center on the celebration of 40 years of providing critical educational services to the Boonton community.

CONGRATULATING DR. SUSAN COLE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. PASCRELL. Madam Speaker, I rise today to congratulate Dr. Susan Cole for her 10th year of service as president of Montclair State University. Throughout her distinguished career, as an educator, advisor, and director, Dr. Susan Cole has been a tireless advocate for all New Jersey's residents.

Dr. Cole has a long and accomplished record of service in the field of higher education, having served as the vice president for university administration and personnel at Rutgers, the State University of New Jersey from 1980 to 1991. Later, Dr. Cole became president of Metropolitan State University in Min-

neapolis/St. Paul, Minnesota serving from 1993 until 1998. Dr. Cole has also served as a visiting senior fellow at the City University of New York and an associate university dean Antioch College. Governor McGreevey appointed Dr. Susan Cole his co-chair of higher education transition team and she also held this post within his cabinet. Never failing to answer the call of service, Dr. Cole has also served within the cabinets of Governor DiFrancesco and Governor Whitman. Today, as the eighth president in the history of Montclair State University, Dr. Susan Cole oversees New Jersey's fastest growing university with the utmost commitment to its continued expansion.

When Dr. Cole finds time in between her 17,000 students at Montclair State University, she continues to devote her time to serving New Jersey residents. Realizing that education doesn't end outside of the classroom, Dr. Cole serves on the board of directors for the New Jersey Performing Arts Center, Liberty Science Center, and the American Council on Education. While her already mentioned accomplishments speak for themselves, Dr. Cole has also served on the boards of the New Jersey Chamber of Commerce, Mountainside Hospital, and the Property Tax Convention Task Force.

Not only serving New Jersey, Dr. Cole has also served the State of Minnesota. Notably, Dr. Cole has served on the boards of Twin Cities Public Television, the Saint Paul Foundation, Western Bank, and as chair of the Saint Paul Riverfront Corporation.

I would like to personally thank Dr. Susan Cole for her contributions to the State of New Jersey, and to the educational welfare for thousands of students. Again, I would like to congratulate her on her 10th year of exceptional service at Montclair State University.

INTRODUCTION OF H.R. 6834, TO DESIGNATE THE FACILITY OF THE UNITED STATES POSTAL SERVICE LOCATED AT 4 SOUTH MAIN STREET IN WALLINGFORD, CONNECTICUT, AS THE "CWO RICHARD R. LEE POST OFFICE BUILDING"

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Ms. DeLAURO. Madam Speaker, I am pleased to join my colleagues from Connecticut to introduce a bill to designate the facility of the United States Postal Service located at 4 South Main Street in Wallingford, Connecticut, as the "CWO Richard R. Lee Post Office Building."

Chief Warrant Officer Richard R. Lee was born July 28, 1954, and grew up in Wallingford, Connecticut, attending local elementary schools in the Yalesville section of town. In his younger years, Rich loved to fish with his friends and his father, Earl. One of his favorite places was the Black Pond in Meriden. Rich attended Lyman Hall High School until 1971 when the growing town built a new high school. Sheehan High opened and his fondness for the water led him to join the swim team. Rich won the Regional Championship for Diving at Sheehan. He played soccer as

well and helped Sheehan High to many victories before graduating with the class of 1972.

Rich also had a love for fast cars and flying, which sent him in the direction of the military. In 1973, he enlisted in the Army, and he eventually achieved the rank "Chief Warrant Officer". Rich learned to fly a helicopter in the Army, became "Civilian Rated"-Instrument Rated and planned to continue flying when he retired.

Sadly, Rich's dream was not to be realized. He was deployed to the Middle East to fight in Operation Desert Storm and paid the ultimate sacrifice for our country on February 7, 1991. His high school classmates, Robert J. Devaney and Debra Frost Markiewicz, first approached me about naming the Wallingford Post Office in Mr. Lee's honor. This tribute to our fallen hero is supported by many public servants in Wallingford including Mayor William Dickinson, Senator Len Fasano, Councilman Robert Parisi, Postmaster Michael Schrader, and Leigh Piscitelli of the Postal Service. The post office lies in Wallingford's parade ground directly across from the town hall and veterans' monuments. To date, there is no monument in Wallingford to remember Richard Lee's sacrifice. His parents, Earl and Helen Lee, who currently reside in North Carolina, would like nothing more than to see this tribute to their son. I hope you will join me and my colleagues from the State of Connecticut in enacting this tribute to Chief Warrant Officer Richard R. Lee.

**PREVENT ALL CIGARETTE
TRAFFICKING ACT OF 2008**

SPEECH OF

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mr. KING of New York. Mr. Speaker, I rise today in support of the Prevent All Cigarette Trafficking Act of 2007, referred to as the "PACT Act," introduced by my colleague from New York, Mr. WEINER.

As we approach the seventh anniversary of the terrorist attacks of September 11, 2001, the threat from radical Islamic terrorist groups remains very real. Supporters of Hamas, Hezbollah, and al Qaeda are constantly adapting and seeking new means to further and finance their cause.

As law enforcement officials make it more difficult to raise and move money through "traditional" terror financing avenues, criminal enterprise is increasingly the life-blood of terrorist groups. Smuggling illicit cigarettes is a perfect example. This illicit activity is more than just a matter of health concern and hundreds of millions of dollars in lost tax revenue—it is a matter of national security.

An April 2008 Committee on Homeland Security Republican staff report based on numerous interviews with Federal, State, and local law enforcement officials, estimated that millions of dollars in profits generated by tight-knit, Arab-based illicit cigarette smuggling operations are being remitted to the Middle East, where these funds directly or indirectly finance groups such as Hezbollah, Hamas, and al Qaeda. The report outlined how these criminal and terrorist organizations purchase tax free

cigarettes on Indian reservations or in lower tobacco tax States, transport them to New York City, affix counterfeit tax stamps, and sell them for full retail price. A well-organized network could generate up to \$50,000 on an average load of 1,500 cartons of contraband cigarettes.

The report further found that New York State's policy of forbearance, despite a U.S. Supreme Court ruling that upheld States' rights to tax all cigarettes sold on Indian reservations to nonmembers of the tribe, has resulted in an environment where cigarette smuggling rings operate with virtual impunity.

The PACT Act aims to attack part of the problem in States such as New York. It strengthens current Federal contraband cigarette laws through increased transparency in recordkeeping, enhanced existing penalties, and increased compliance standards for Internet sellers. In addition, it provides law enforcement more resources to help close critical gaps in enforcement that will make it more difficult for criminal and terrorist organizations to exploit disparities in tobacco tax rates among States.

Another way to restrict terrorist organizations from obtaining revenue by exploiting low-cost cigarettes is for States like New York to abandon their policies of forbearance and take action to fully enforce their tax laws. By refusing to collect taxes on cigarettes sold to non-residents of Indian reservations, the State of New York is fueling a boom in illicit cigarette smuggling and inflating the profit margins of criminal and terrorist smuggling networks. Enforcing the tax laws will generate up to \$800 million in lost tax revenue while cutting off a revenue stream to those who wish to do harm to our Nation.

Mr. Speaker, while H.R. 4081 is a good first step, I look forward to working with my colleagues to strengthen this bill as it moves through the legislative process to help keep terrorists from exploiting this revenue source.

I urge my colleagues to support passage of this bill.

PERSONAL EXPLANATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. SMITH of Texas. Madam Speaker, I would like the record to show that on rollcall vote 575, H.R. 6630, I inadvertently voted "yea" when I intended to vote "nay."

HONORING YVONNE LEANDER

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mrs. BLACKBURN. Madam Speaker, it is a privilege for me to rise today and honor Mrs. Yvonne Leander as she retires from the Department of Housing and Urban Development.

As a young graduate from the University of Georgia with a degree in economics in hand, Yvonne Leander began her career in public service after accepting a position as an economist in HUD's Atlanta office. After taking that

first position, Yvonne would quickly rise within the agency and take on wide ranging managerial positions that include Chief of the Management Branch in HUD's Atlanta Property Disposition Center, Community Builder in HUD's Nashville office and Field Office Director of HUD's Memphis Office.

A dedicated public servant, Yvonne has touched countless lives as she has helped many proud Americans experience the joys of becoming a homeowner for the first time. With a reputation for being an innovative leader in the community, Yvonne coordinated a national award-winning project that successfully relocated 186 very low-income families from Lane Garden Apartments in Nashville with the help of business and community partners. Throughout her time with HUD, Yvonne has consistently provided wisdom, encouragement, and counsel to many families that have found themselves experiencing difficult times.

Madam, Speaker, I urge all of my colleagues to join me today in thanking Yvonne Leander for her 38 years of Government service and wishing her the best in her well-deserved retirement.

**BARRING ACCESS OF LONG-HAUL
MEXICAN TRUCKERS**

SPEECH OF

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Mrs. MILLER of Michigan. Mr. Speaker, I rise in strong support of this legislation, which will put a definite end to this Mexican truck pilot program. Quite frankly, Mr. Speaker, this program never should have begun in the first place.

Before coming to Congress, I served for 8 years as the Michigan Secretary of State, with a principal responsibility as the chief motor vehicle administrator, and I was also the Chairman of the Traffic Safety Commission. I was responsible for all the licensing in the State, including of commercial drivers and hazardous material endorsements. Given my background I had immediate concerns about how the Department of Transportation's pilot program might compromise the safety of our roads.

In Mexico, licensing requirements are very poor and fraud in their system runs rampant. In fact, the Transportation and Infrastructure Committee heard in testimony from the Department of Transportation's Inspector General that 1 in 5 Mexican driving records contained an error of some kind. If we had a 20 percent error rate in the United States, we would consider it a crisis.

There are also concerns, about the insurance provisions of this program. American trucks must carry expensive insurance policies in the event they are in an accident. What happens if a Mexican truck has an accident somewhere in the U.S.? Good luck to the victims of that accident who will try to collect on damages from a company down in Mexico.

Mexican drivers are allowed to work far longer hours than American workers, resulting in widespread drug use in the profession. Presently, there is no system under which secure testing could take place so to ensure that the drivers coming into our country are drug free.

In response to these concerns, the Congress passed language in the Iraq War supplemental requiring the Department of Transportation to only conduct a pilot program under certain conditions. Subsequently, the House, by a vote of 411–3, the Safe American Roads Act, which placed additional restrictions on these Mexican trucks coming into the country.

Unfortunately, the Department of Transportation has not taken the hint and continues to promote this program without addressing the public's safety concerns about this program.

Hopefully, this legislation will make it clear that Congress does not want this program to continue and that it should be terminated.

INTRODUCTION OF THE FAIR
COPYRIGHT IN RESEARCH
WORKS ACT OF 2008

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. CONYERS. Madam Speaker, today I am introducing the Fair Copyright in Research Works Act of 2008, legislation that would preserve the intellectual property rights of our Nation's researchers and scientists. Specifically, the bill would prevent the Federal Government from requiring the transfer of intellectual property rights from researchers expressly in cases where there are non-federal financial or other contributions made toward the advancement or dissemination of science. Representatives DARRELL ISSA, ROBERT WEXLER and TOM FEENEY join me in this important effort to preserve intellectual property rights while furthering the national goal of advancing science and innovation.

This legislation is necessary to respond to a dramatic policy change which was instituted in April of this year at the National Institutes of Health, without adequate Congressional consideration of the impacts of those changes on the intellectual property system, innovation, the peer review system, or our international obligations.

In fact, this change in policy—from voluntary to mandatory submission of copyrighted materials—could severely impact important negotiations with our international trading partners. Already we are hearing reports, in conversations at the World Health Organization and in other international forums, the new National Institutes of Health policy to limit the exercise of copyright by authors and owners is being taken as a sign that the United States is shifting its position away from being a strong proponent of intellectual property rights and enforcement. Interest groups are using this example not only to promote a relaxation of copyright protections, but also to advocate for international diminution in strong patent policy.

The legislation that we have introduced today would restore intellectual property protections for scientists, researchers, and publishers until a more thorough analysis of the access issues and a determination of an appropriate policy can be performed by the Register of Copyrights in consultation with economic experts.

Our intent is that no harm should be done to the peer review system—a system that has been in place for over a hundred years and is the gatekeeper winnowing out great science from careless science or even fraudulent “research” results. We intend to ensure that the intellectual property protections currently in place, which provide important incentives for the private sector to make significant investments in research, are carefully considered before any policy change is enforced or proliferates in this area.

This legislative effort is supported by scientific societies, large and small publishers, and for profit and non-profit entities. It is an important and necessary step in the fight to maintain our competitive edge in a global marketplace. Copyright protections provide the incentive to ensure that publishers invest in the peer review process, thus ensuring that science is adequately vetted prior to being distributed to the public.

IN RECOGNITION OF THE 30TH AN-
NIVERSARY OF THE CALIFORNIA
CONSERVATION CORPS' BACK-
COUNTRY TRAILS PROGRAM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to pay special tribute to the California Conservation Corps' Backcountry Trails Program on the occasion of their 30th anniversary.

The Backcountry Trails Program, created in 1979 by the CCC's current director, David Muraki, is a special program within the CCC and dedicated to preserving our remaining wilderness areas, making them safer and more accessible.

Each spring, the Backcountry Trails Program assembles six widely diverse crews of men and women, hired from all around California and across the United States, who leave behind the conveniences and luxuries of modern life and venture into the mountains to spend five exhausting months doing some of the most challenging and ultimately rewarding work of their lives. The 17 members who comprise each of these crews learn through experience the skills of trail maintenance, construction, and the process of building healthy productive communities. It is extremely hard work and one of our best examples of truly beneficial public service.

Over the past 30 years, the CCC has assembled 145 Backcountry Crews, whose combined efforts have repaired 8,560 miles of trail during 2 million hours of service. That's enough trail to stretch from Sacramento, California to the recent Beijing Olympics, or from Sacramento, California to Washington DC, returning to Sacramento, and then back to Washington DC.

After this year's corps-members complete the program, they will bring the total number of Backcountry Trails Program graduates to 1,954.

Many corps-members discover that a single season working trails in the Backcountry is not

enough. Close to 600 Backcountry graduates have been hired by various Federal and State land management agencies to use the skills they've acquired in the program to continue efforts to repair wilderness trails. The CCC's Backcountry Trails Program has become the premier trails apprenticeship program in the Nation. The graduates have been hired by every major national park in America.

In addition to clearing trails, the crews have built 121,440 square feet of walls and over 21.5 miles of raised causeway. They have installed nearly 10,000 water bars, 25,883 rock steps, and built over 4.3 miles of stone rip rap, carefully selecting and placing each rock into an exact fit in order to sustain the weight of mules and the ravages of time.

In recognition of the CCC Backcountry Program's significance, the California State Commission has deemed this program an integral part of California's Ameri-Corps portfolio since 1995.

Today, I am extremely proud to commend the California Conservation Corps' Backcountry Trails Program for their 30-year history of improving our wilderness and providing valuable training for so many of our young adults.

CONGRATULATING MICHAEL M.
CROW, RECIPIENT OF THE 2008
JERRY J. WISOTSKY TORCH OF
LIBERTY AWARD

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Michael Crow, recipient of the 2008 Jerry J. Wisotsky Torch of Liberty Award from the Anti-Defamation League. As President of Arizona State University, Dr. Crow has actively shown his commitment to the social, cultural, and environmental welfare of our community. Dr. Crow recognizes the important role that these factors play in strengthening and enhancing our quality of life.

Throughout his time as President, Dr. Crow has led Arizona State University to set a new “Gold Standard” in education and research through the objectives of excellence, inclusion, and impact. Under the direction of Dr. Crow, ASU has helped address major concerns in Arizona, including environmental, health, social service, and immigration issues.

Dr. Crow has served as President of ASU since July 2002, during which time he has pioneered the development of numerous major research initiatives and more than a dozen new interdisciplinary schools at Arizona State University. Through its more than 1,030 community outreach programs, ASU under Michael Crow is considered a leader in philanthropic efforts.

I commend the Anti-Defamation League for selecting such a worthy recipient of this prestigious award to exemplify its mission of fighting social injustice. Based on his commitment to improving standards in higher education, Dr. Crow is more than deserving of this award from one of the nation's leading humanitarian organizations.

Madam Speaker, please join me in recognizing Dr. Michael Crow's continued service to Arizona State University and our community.

LANCE CORPORAL JONATHAN R.
GOODMAN, USMC

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Lance Corporal Jonathan R. Goodman, USMC, of Trenton, Missouri. Lance Corporal Goodman has recently returned from Operation Iraqi Freedom 8.1, deployed to Camp Habbaniyah, Iraq with the 2d Battalion, 24th Marines. As a marine, he has served his Country honorably and well.

I, his friends, and family are extremely proud of his service to our Country and welcome him home at a special meet and greet celebration on September 13, 2008 at the local VFW Hall #919 in Trenton, Missouri.

Madam Speaker, I proudly ask you to join me in recognizing Lance Corporal Jonathan R. Goodman, USMC, who is a true inspiration for all that know him. It is truly an honor to serve Lance Corporal Goodman in the United States Congress.

A PROCLAMATION HONORING PAUL AND LINDA MADER ON RE- CEIVING THE HALL OF FARM AWARD.

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. SPACE. Madam Speaker:

Whereas, Paul and Linda Mader are appreciated for their dedication and contributions to the Harrison County Farm Bureau; and

Whereas, the couple has had a positive impact on agriculture in Harrison County; and

Whereas, they have served their community as members and/or officers of the Harrison County Farm Bureau, Grange, Landmark, and their church, the United Methodist Church of the Cross; and

Whereas, Paul and Linda Mader have served the organization and the community selflessly and tirelessly; now, therefore, be it

Resolved that along with their friends, family, and the residents of the 18th Congressional District, I commend Paul and Linda Mader on their contributions to Harrison County's agriculture industry. Congratulations to Paul and Linda Mader on receiving the Hall of Farm Award.

HONORING JAMES DANIEL RICH- ARDSON'S LIFETIME OF SERVICE TO TENNESSEE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. GORDON of Tennessee. Madam Speaker, I rise today to remember Congressman James D. Richardson, upon the occasion of the raising of a Tennessee Historical Marker on the site of Richardson's family home in Murfreesboro, Tennessee.

During the Civil War, Richardson served Tennessee with honor and distinction, volun-

teering at the age of 18 as a private in the Tennessee Infantry and rising to the rank of major by war's end. After the war, Richardson studied the law and was admitted to the bar in 1866. He practiced in Murfreesboro for over 12 years and served as director of both the Stones River National Bank and the Safe Deposit, Trust, and Banking Company of Nashville. Known simply as "Major" to his friends and associates, Richardson also led the Rutherford County Fair Association, served as commissioner of the Evergreen Cemetery, was an active Freemason, and raised five children with his wife, Alabama.

He was elected to the Tennessee State Legislature in 1870, where his colleagues named him speaker of the House at the age of 28. Richardson quickly came to prominence within the Democratic Party, serving as a delegate to the National Convention of 1876 and earning a reputation as a captivating orator.

In 1884, Richardson was elected to the United States Congress. This was only the beginning of a 20-year career in which he led the Tennessee Congressional Delegation, served as interim Democratic Whip in 1894, and was called upon by his colleagues to compile *The Messages and Papers of the Presidents*, a vital history of American governance. He also oversaw the compilation of *The Messages and Papers of the Confederacy*, which documents the public and private communications of Confederate leaders.

James Daniel Richardson was a true son of Tennessee and an exemplary American leader. I congratulate the Tennessee Historical Society for its decision to raise this Historical Marker to the man known as the "Tall Cedar of Rutherford."

HONORING TADEUSZ NITKIEWICZ OF TOLEDO, OHIO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Ms. KAPTUR. Madam Speaker. Today, I stand to recognize an outstanding American, soldier and gentleman Tadeusz ("Ted") Nitkiewicz of Toledo, Ohio. In honoring Ted, though, please let us honor so many Polish soldiers and citizens who cherished the idea of freedom and valiantly fought for it during World War II. Polish citizens who eventually settled in America valued democratic principles, as when they assisted our nation in its Revolution and determinedly sought during their years of occupation to cast off the cloak of oppression.

In recognizing Ted Nitkiewicz, we also recall all those young men and women from nations like Poland and Ukraine whose lives were changed forever as they found themselves caught between the grips of the Nazi and Soviet regimes. Poland became one of the fiercest battlegrounds of the deadliest and most gruesome fighting in World War II. In fact, Poland became a pawn in war between two tyrannical regimes, joined in a war friendship by the Ribbentrop-Molotov Pact. Poland, Ukraine, Belarus and other eastern European countries would be invaded with their destiny switching from the East, then the West, then the East again. Ted, like so many of his Polish compatriots, first served in the Polish Army resist-

ing the Soviet invasion. Eventually, the Soviets joined the Allied powers, at which point Ted then fought valiantly and earnestly, hopeful to secure a homeland for his Polish people that was not to come until a half century later. His life would be transformed forever by political conflicts beyond his control.

Tadeusz Nitkiewicz was born in Wizna Province, Warszawa, Poland on January 6, 1919, to parents Franciszek and Anna. He studied hard to become a pharmacist. He loved this occupation. However, the peaceful and free existence he enjoyed came to abrupt halt when Adolf Hitler's Nazi Germany invaded Poland from the West on September 1, 1939. Two weeks later, Joseph Stalin's Soviet Union invaded Poland from the East. Ted was taken prisoner and sent to a forced labor camp in Russia. He was one of 1.7 million Polish citizens that were forcibly deported by cattle wagon. They worked at back-breaking jobs in quarries, on collective farms, and in tree-felling forests. They toiled during cold winters with little food. Their only shelter was what they built themselves in the forests by cutting down trees. They had minimal medical care and little food. Constantly, the Soviet guards taunted the Polish slave laborers that this was their life forever and reminded them that Poland ceased to exist as a state. Out of the deported 1.7 million, less than one third or 500,000 people were known to survive.

Ted recalls successfully escaping these inhumane conditions as a prisoner from the labor camps. The first time, the Russian civilians he encountered were afraid of retribution for taking in a prisoner of war (POW). At his second attempt, he and a fellow POW were taken in by a Cossack family, until they could no longer provide enough food for the escapees and their own family.

After Germany invaded the Soviet Union, Winston Churchill persuaded Stalin to release the Polish prisoners to organize and fight against the Nazis. In March and August of 1942, 115,000 soldiers and civilians were evacuated from the Soviet Union to the Middle East, crossing the Caspian Sea. Because they were already in poor health because of the inhumane conditions as POWs, many died in Persia. The remaining soldiers established the Polish Army, 2nd Corps with two infantry divisions: "Kresowa" and "Karpacka". One was an armored brigade. The other army artillery group was organized in Iraq and Palestine. Under General W. Anders' command, these 47,000 soldiers became the largest Polish army formation on foreign territory during the Second World War. Warmly received by the British and American armies, they fought for their country under British command.

Ted joined the Polish forces, in the USSR, on May 28, 1942. After crossing the Russo-Persian border with his unit, he came under the British command in the Middle East on August 15, 1942.

The Polish Army was motivated by the promise and hope of fighting with the Allies to take back their country. The 2nd Corps was attached to the British Army and for a short time provided security in Iraq to guard the oil fields from attack by the Germans. They eventually were sent to Italy in 1944 engaged in an Allied Offensive against German forces commanded by Marshall Kesselring. They fought with the famous British 8th Army and the USA 5th. Ted took part in the Italian campaign January 18, 1944 until May 2, 1945. While he was

in Italy, Ted married his wife Mary, who he met in the labor camps in Russia. She also served in the Army, in transportation, as a truck driver.

The mountainous country on the Allied road of advance was extremely difficult, perfect for the German defense. The Polish Army under the command of General W. Anders made the final assault in front of the strong German fortified line, called the Gustav Line with its key point—Monte Cassino. In the battle of Monte Cassino, the Allied forces suffered heavy casualties. They continued fighting in Italy along the Adriatic Coast liberating many cities until the end of the war in 1945. Ted was awarded the Bronze Cross of Merit with Swords, Army Medal, and Cross of Monte Cassino from Poland for his bravery, valor and service. Britain also recognized his courageous acts by awarding him the 1939–45 Star, Italy Star and Defense Medal. Ted served with the Polish Resettlement Corps in England until February 16, 1949.

For Ted Nitkiewicz and the other Polish soldiers, victory was bittersweet. First, during the sixteen month campaign in Italy, the 2nd Polish Corps lost 809 officers. Another 10,570 of other ranks were killed or wounded in action. Second, because the Allies gave control of most of Poland to Stalin's Soviet Union, officially confirmed at Yalta, Poland, the country they remembered, did not exist. In effect, these Polish survivors became homeless. As a result, they scattered across the world, mostly settling in the USA and Britain.

Early in 1950, Ted Nitkiewicz immigrated to the United States and moved in with an uncle in Toledo, Ohio. There was little work available at that time, but he eventually landed a job in Textile Leather factory. He made enough money to pay his rent, buy some food and still had a little left over. For all of these opportunities, he felt grateful. He became a U.S. Citizen in the 1950s.

When asked how he was able to survive the terrible ordeal, Ted responded, "someone was praying for me and God answered their prayer."

Originally, this story was recorded in part for the Library of Congress Veteran's History project. Because Ted was not a U.S. veteran, but a veteran of the Allies, his story cannot be accepted by the Library of Congress, as yet. However, Joseph Walter, the local Toledo archivist for the project and the University of Toledo, has graciously accepted his story as part of our local history. The valiant accomplishment of Ted Nitkiewicz and his compatriots should not be lost but should be recorded as freedom's legacy. Three million Polish Christians died in the death camps alone should never be forgotten. The Poles suffered greatly at the hands of the Nazi and Soviet oppressors. We commemorate their noble struggle. We honor those who made the final sacrifice, in hopes that those who followed could live in a peaceful, democratic world.

On September 1, 2008, we mark the 69th anniversary of the invasion by Nazi Germany of an independent Poland that commences the Second World War. Let us not forget our brave Allied soldiers and citizens who made our Western world safe from the tyranny of Fascism and Communism to inspire our nation to its highest ideals. May their eternal memory shine down onto our world and inspire us to

work toward an everlasting peace and freedom.

PREVENT ALL CIGARETTE
TRAFFICKING ACT OF 2008

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of this Act. The Prevent All Cigarette Trafficking Act, or PACT Act, introduced by Congressman BOB WEINER of New York, strengthens our law enforcement capabilities against illegal smuggling of tobacco products. I urge my colleagues to support this bill.

Every year, tens of billions of cigarettes are illegally smuggled across State lines and across borders. 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 the cigarettes in a State where the cigarette tax is low, and selling them in a State with a higher tax. Because of the tax evasion, the trafficker can sell the cigarettes at a discount and still turn an illicit profit.

States lose a billion dollars in uncollected taxes each year as a result of cigarette smuggling. The illicit profit also helps finance other criminal activity—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 matter.

But 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—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 website.

The PACT Act addresses the shortcomings in 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 U.S. 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 that the purchasers are of legal 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.

H.R. 4081 enjoys support from a diverse spectrum of entities, including the National Association of Convenience Stores, Altria, 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 Judiciary Committee Ranking Member Lamar Smith for his leadership in making this a bipartisan effort.

IN HONOR OF WILLIAM STERLING
JOHNSON

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. GALLEGLY. Madam Speaker, I rise in honor of Simi Valley Police Department Lieutenant William Sterling Johnson, who retired in July after 27 years of dedicated and exceptional service to the department and the city it serves.

Simi Valley, California, has been my home for more than 40 years. I served as City Councilman before being the city first elected Mayor. From my days as a city official to today, I have periodically accompanied officers on their rounds to keep myself familiarized with the challenges they face. It is a professional department, and Sterling Johnson epitomizes that professionalism.

As an officer, Sterling Johnson served as a field training officer and a member of the SWAT team, in addition to working three dogs as a K-9 handler. In addition, Sterling is a licensed paramedic and created the department's SWAT paramedic program.

Sterling and his first canine partner, Atlas, twice won the World Police & Fire Games, Police Service Dog Competition, in 1989 and 1991. In recognition of his professionalism and dedication, in 1994 his fellow officers selected him Officer of the Year.

As a sergeant, Sterling served as a patrol supervisor and SWAT team leader. Upon his promotion to lieutenant in 2003, Sterling worked as a patrol watch commander and was assigned to the Auxiliary Services Unit.

In addition to his law enforcement duties, Sterling has worked part time for American Medical Response, the city's 911 responder; taught advanced cardiac support and pediatric advanced life support at the UCLA Medical Center; and has been the CPR/First Aid instructor for the city and police department for more than 12 years. Sterling also served on the State of California Commission for Emergency Services from 1997–2006.

In short, Lieutenant William Sterling Johnson has left a positive mark on the police department he served for nearly three decades.

Madam Speaker, I know my colleagues join me in thanking Sterling Johnson for his dedication and professionalism with the Simi Valley Police Department and in wishing him well in a long and fruitful retirement.

COMMEMORATING THE THIRD
ANNUAL NATION'S TRIATHLON

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. YARMUTH. Madam Speaker, I rise today to honor the third annual Nation's Triathlon, which will take place this Sunday in Washington, DC. As with any triathlon, this competition will be a rigorous personal test of endurance, dedication, strength, and skill in biking, running, and swimming. In this case however, the competitors demonstrate a devotion to a greater cause than personal accomplishment. By partnering with the Leukemia and Lymphoma Society, they are working to defeat blood cancer.

I am proud to say that three Louisvillians—Katie Anderson, Amanda Moore, and Chad Queen—and three more Kentuckians—Ruth Adams, Jennifer Watson, and James Pelfrey—will be competing in the triathlon this weekend, and three more—Shelley Gast, Anthony Miller, and Scott Clark—are training and coaching the athletes in this worthy event.

With more than a million and a half individuals annually diagnosed with cancer, and more than half a million Americans dying from the disease each year, virtually everyone of us has been touched by cancer in some way. The good news is, here in the United States, some of the world's most brilliant and innovative scientists are hard at work developing new treatments and uncovering the mysteries that will someday lead us to a cure. In fact, researchers at the University of Louisville, in my district, recently developed a vaccine that will prevent cervical cancer and potentially save the lives of thousands of women each year.

But to achieve their objectives, researchers need resources and attention. And that's just what the Nation's Triathlon will do by using the incredible talents of the participating athletes to raise awareness and funds.

I urge my colleagues to join me in celebrating these athletes who, this weekend, will strive to complete a grueling personal challenge and also defeat our common foe. Together, we will work to create a future that has no room for cancer.

RECOGNIZING THE 350TH ANNIVERSARY OF THE FOUNDING OF CHARLES COUNTY, MARYLAND

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. HOYER. Madam Speaker, this year marks the 350th anniversary of the founding of Charles County, Maryland, one of the five counties I have the privilege of representing in the United States Congress. I rise today to congratulate the county on this milestone and to pay tribute to its citizens—individuals who have made it such an inviting place to live, work, and visit.

One of Maryland's oldest counties, Charles County was chartered in 1658 and named in honor of Charles Calvert, the 3rd Lord of Baltimore and a royal proprietor of the Colony of Maryland. Since its establishment, the county

and its residents have played an important role in shaping the development of our State and the history of our Nation.

From its earliest days, Charles County served as a center of commerce for the region. Port Tobacco, one of the oldest English settlements in North America, was the home of Maryland's second largest port and seat of the Charles County government prior to its move to La Plata.

Charles County was the birthplace of several of our Nation's Founding Fathers. Thomas Stone, a member of the Continental Congress and one of Maryland's four signers of the Declaration of Independence, was born in Charles County. His home, Habre de Venture, still stands and is a unit of the National Park Service. His uncle, Daniel of St. Thomas Jenifer, was a Delegate to the Constitutional Convention. John Hanson, a long serving member of the Maryland assembly and the first President of the United States in Congress Assembled under a fully ratified Articles of Confederation, was born at Port Tobacco.

Residents of Charles County witnessed the landing of British troops in Benedict during the War of 1812. During the Civil War, Camp Stanton was established in Benedict for the purpose of recruiting and training African-American men for the Union Army. Following the war, John Wilkes Booth, assassin of President Lincoln, traveled through Charles County stopping at the home of Dr. Samuel Mudd to have his broken leg set—on his escape from Washington, DC.

Charles County was also the birthplace of Josiah Henson who was born a slave, escaped to Canada and later wrote his autobiography which is believed to have inspired Harriet Beecher Stowe's "Uncle Tom's Cabin." Matthew Henson, who accompanied Admiral Robert Peary on several Arctic expeditions, including the discovery of the North Pole, was also a native of Charles County. Henson, who was likely the first man to reach the spot, planted the American flag at the North Pole.

Today, Charles County continues to make history. It is home to important Federal agencies, including the Naval Surface Warfare Center, Indian Head Division which was established in 1890 and is the international leader in energetic research and development. Recently, scientists and researchers at Indian Head developed, in short order, the thermobaric "cave busting" bomb to combat terrorists abroad.

Charles County offers its residents scenic rural areas, wildlife habitats, and waterfront views with convenient access to the Washington metropolitan area and the Federal Government which helps it live up to its motto of "Where Eagles Fly." With a vibrant and robust business climate, coupled with its hardworking and dedicated residents, Charles County has strong appeal and has become one of the most diverse communities in Maryland and one of the wealthiest for its size in the Nation.

I am proud to represent Charles County in the U.S. Congress and congratulate its current County Commissioners—Commissioner Wayne Cooper, President; Commissioner Edith Patterson, Vice President; Commissioner Rueben Collins, Commissioner Gary Hodge, and Commissioner Samuel Graves as they celebrate this great milestone. Congratulations Charles County on your 350th anniversary and may your citizens have continued prosperity for years to come.

RECOGNIZING THAT WE ARE
FACING A GLOBAL FOOD CRISIS

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Ms. WOOLSEY. Mr. Speaker, I rise today in strong support of this resolution recognizing the need to combat the global food crisis.

Rising fuel prices and the effects of globalization exacerbate the problems related to the growing cost of food, causing populations of developing countries to experience great hardships in purchasing their basic necessities. This emergency has already affected millions and will increase the poverty levels endured by the most vulnerable groups worldwide. Children are especially susceptible to the effects of malnourishment, which weakens their immune systems, causing millions of children to suffer from infectious diseases, impaired brain development, and stunted growth.

The dire situation of rising food prices has already led to unrest in some parts of the world. The U.N. has created a special task force and the World Food Program has called for \$755 million in increased funding to cover the high costs of food and fuel. The United States must take an active role in coordinating international action through a world forum designed to determine what must be done to alleviate this crisis worldwide and protect the children and other vulnerable populations affected.

SECURITIES ACT OF 2008

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 6513, the Securities Act of 2008 by my colleague from Pennsylvania, Congressman PAUL KANJORSKI and the Financial Services for their work in this important area.

Ensuring our markets are functioning properly at a time when we are approaching a recession should be a priority for us all. Many of the provisions in H.R. 6513, were recommended to the committee by the Securities and Exchange Commission (SEC) and that the act has the support of the SEC and State securities regulators.

The unanimous and bipartisan passage of H.R. 6513 in committee acknowledges that we must act now to protect our Nation's financial future.

BACKGROUND AND BREAKDOWN ON THE BILL

This act would amend numerous provisions within the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940, and the Investment Advisers Act of 1940. The changes potentially affect not only securities firms, but also public companies and anyone else subject to the Federal securities laws.

Penalties in cease and desist proceedings

Section 8A of the Securities Act would be amended by adding a new provision that

would provide the SEC with the authority to impose civil money penalties in cease and desist proceedings before an SEC administrative law judge, against anyone alleged to have violated the act.

It also sets out a method by which a respondent subject to the penalty provisions may offer evidence on his or her ability to pay such fines and the impact of such fines on his or her ability to continue in business. The proposed provision contains tiers for the penalties as follows:

First Tier: Establishes a maximum penalty of \$6,500 for each violative act or omission committed by any natural person, and a \$65,000 cap for each violative act or omission committed by any other person, that constitutes a violation of the Securities Act or any regulation.

Second Tier: increases the maximum penalties to \$65,000 for natural persons and \$325,000 for all other persons for each act or omission that involves fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement.

Third Tier: Sets a maximum penalty of \$130,000 for a natural person or \$650,000 for all other persons if the act or omission involves fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement and such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons.

With the many issues that come under the Securities Act—amendments to the sections dealing with fraud and reckless disregard of other people's money is a serious but necessary step in the right direction. This act would authorize the SEC to impose civil penalties in cease and desist proceedings against any defendant before administrative law judges.

The expansion of the SEC's civil money penalty authority in administrative proceedings to include all potential defendants, not just securities industry firms and professionals, will likely be the most controversial aspect of the bill. Since the Federal Rules of Evidence do not apply in administrative proceedings, the SEC may use evidence that would not be admissible in Federal district court.

SEC authority over formerly associated persons

H.R. 6513 empowers the SEC to remove from office or censure any person who is, or at time of the alleged misconduct was, a member of the Municipal Securities Rule-making Board.

It would also provide the SEC and other regulatory agencies the authority to institute disciplinary proceedings against persons associated with or seeking to become associated, or who at the time of the alleged misconduct were associated or seeking to become associated with, registered or unregistered government securities brokers and dealers.

H.R. 6513 would also provide the SEC with the authority to conduct investigations into alleged violations committed by individuals who were formerly associated with members of national securities exchanges and national securities associations, as well as former participants of registered clearing agencies.

It would expand the disciplinary authority of the regulatory agencies of the self-regulatory organizations by providing the regulatory agencies with the authority to remove from of-

fice or censure persons who, at the time of the alleged misconduct, either are or were officers of self-regulatory organizations.

Scope of exemption from State securities registration

This section allows the NYSE, AMEX, or Nasdaq to establish tiers on which stocks can be listed and traded, even if those stocks would not otherwise qualify as covered securities exempt from state registration requirements.

Collateral bars

The act would amend provisions of the Exchange Act and Advisers Act to prevent associated persons who violate the Federal securities laws in one capacity (e.g., as an associated person of a broker or dealer) from being associated with other securities businesses in a different capacity (e.g., as an associated person of an investment adviser).

Currently, the law does not permit the SEC to bar someone whose misconduct occurred while associated with a broker-dealer from associating with an investment adviser (or vice-versa), although the SEC often seeks such a collateral bar in settlements.

Exempt offerings

This amendment would clarify that States can require that notice filings for exempt securities contain all of the information required by Form D including the appendix to Form D.

Unlawful margin lending

This section of the act would add clarification to the current problematic reading of the section.

SIPA

This section amends certain provisions of the Securities Investor Protection Act of 1970 ("SIPA") to add securities futures and options on securities futures to the list of covered claims a customer can make against a broker-dealer that the Securities Investor Protection Corporation ("SIPC") will cover. These amendments are a positive step toward removing regulatory road blocks to effective portfolio margining that can fully realize the benefits of hedging securities positions with futures positions.

Application of Advisers Act to State-registered advisers

This amendment will clarify that certain hedge fund and private equity advisers, who may be subject to State (but not SEC) registration, may charge performance fees that would not be permitted for most SEC registrants.

Sharing privileged information with other authorities

The act would add a new subsection to Section 24 of the Exchange Act. The new subsection would provide that the SEC shall not be deemed to have waived any privilege by sharing information with another agency of the U.S. Government, any foreign securities authority, any foreign law enforcement authority, or any State securities or law enforcement authority.

Nationwide service of subpoenas

Under the act, when the SEC institutes a proceeding in U.S. district court in any district, subpoenas issued by the court to compel attendance of witnesses or production of documents may be served in any other district. Such subpoenas could be served and en-

forced without application to the court or a showing of cause, notwithstanding applicable provisions of the Federal Rules of Civil Procedure.

CONCLUSION

We are facing rising food, gas, and energy costs. Our housing markets are still reeling and we are at high levels of unemployment. We must ensure that the Securities markets are secure and able to withstand our current economic climate. Mr. Speaker, I urge my colleagues to support this important legislation.

HONORING JACK HUNTER O'DELL

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Ms. LEE. Madam Speaker, I rise today to acknowledge the life and contributions to the United States of Jack Hunter O'Dell, and to acknowledge his 85th birthday, August 11, 2008. Jack Hunter O'Dell was born August 11, 1923 in Detroit, MI. Like other Americans who worked hard during the Great Depression, Jack devoted much time and energy to selling newspapers as a youngster and playing a strong role in his extended family. At an early age Jack developed an intense curiosity toward the world and a love of reading.

At the onset of World War II Jack joined the Merchant Marine, one of the most risky and important forces in the U.S. war effort. The Merchant Marine hauled supplies for U.S. troops in unarmed ships, often being attacked by Nazi submarines. Jack joined the National Maritime Union and advocated for the rights of workers on the ships and docks. During this time Jack developed an understanding of the struggles of peoples of other nations, an understanding that helped form his consciousness and dedication to creating peace and strengthening democracy.

After the war, Jack organized tenants in the Southern States and later in New York City. He worked with Dr. Martin L. King, Jr. as an organizer in New York and throughout the South as the Director of Voter Education for the Southern Christian Leadership Conference. He wrote and became an editor for the dynamic and unifying magazine, *Freedom Ways*. He taught at Antioch College and has lectured and taught throughout the United States. He is truly the common person's intellectual, holding forth the proposition that intellectual activity, creativity and wisdom stem from all the people.

Jack has consulted on two U.S. presidential campaigns. He has served Operation PUSH and the National Rainbow Coalition as the Director of International Affairs. In that capacity he assisted in developing ties of understanding, friendship and solidarity with many peoples around the world. His international work helped free political prisoners, it helped bring unification to warring factions in various nations and helped leaders from all walks of life in the United States understand the world and America's role in providing, by example, a true commitment to fair play and magnanimity.

Mr. O'Dell has been a bold yet humble servant to the interests of the American people. He recognized the necessity for working people to have access to reliable and first-rate media. He became Board Chair of one of the most popular, independent radio networks and news services. His commitment to peace and

a more safe and secure world expressed itself in years of service to peace efforts, including serving on the board of SANE FREEZE.

Jack has traveled around the globe representing the best in what it means to be an American citizen. He has represented the United States as a worker, as a representative of organizations advocating equality and justice, and as a brother to all in struggle. His experiences, intense study, love of country and his warmth and humor have provided tens of thousands with a deeper sense of joy and optimism for the future of humanity. Jack understands a better world is possible. His life, his writings and his example provide a bright light to all of us attempting to bring a better world into being.

Thank you, Jack Hunter O'Dell, for your selfless service to our Nation. It is an honor to know you and to have benefited by your talents and dedication. Best of luck to you as you continue your noble work helping to inspire all Americans to take the high road toward peace, community, and a stronger democracy.

SALUTING BORINQUEN PLAZA
SENIOR CENTER AS IT CELEBRATES
31 YEARS OF SERVICE

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Ms. VELÁZQUEZ. Madam Speaker, I would like to take this moment to offer my congratulations to the Borinquen Plaza Senior Center on its 31st anniversary. New York's 12th Congressional District is enriched by this institution serving our seniors during their golden years.

Located within the Borinquen Plaza Public Houses in Williamsburg, Brooklyn, this senior center was founded on July 22, 1977, by Los Pioneros Puertorriqueños, an organization focused on social and economic justice. Since its inception, the center has served as a safe haven from everyday struggles for countless senior citizens. Thanks to the leadership of its sponsor, board members, executive director, and staff, senior residents of Borinquen Plaza Public Houses and the surrounding community benefit from a facility dedicated to meeting their needs. The center works to promote nutritional, emotional, and physical wellness. On a daily basis, more than 230 congregate meals are provided, as well as approximately 200 meals-on-wheels to homebound seniors. Further enhancing residents' lives, daily recreational activities are planned, special events and holiday festivities. It is through these programs and the unwavering commitment of the Borinquen Plaza Senior Center that our elderly neighbors have experienced meaningful benefits.

In closing, I ask my colleagues to join me in congratulating the Borinquen Plaza Senior Center for its dedication to the seniors of Williamsburg, Brooklyn. The residents of our community and I look forward to many years of continued service.

HONORING LOUISE BRADY

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mrs. CHRISTENSEN. Madam Speaker and colleagues, I rise today to honor the legacy of an outstanding educator, Mrs. Louise Brady. I am proud to join the entire Virgin Islands community in extending best wishes to Mrs. Brady, as she retires after 56 years of exemplary service to Virgin Islands children and families, as a teacher and principal at the All Saints Cathedral School. In that capacity, she demonstrated the highest degree of integrity and humanity. Mrs. Brady has inspired and instilled in our young people fairness, honesty, respect, tenacity, and a firm commitment to achieving one's aspirations.

Mrs. Brady migrated to St. Thomas in 1952 and started work as a teacher at All Saints Cathedral School. In 1975, the Cathedral Church of All Saints, through its rector, The Very Rev. Thomas W. Gibbs III and vestry member Mrs. Reubina Gomez, invited her to accept the post of principal of the school.

As principal, Mrs. Brady worked feverishly to shape the school into the Virgin Island's premier institution of education for students from pre-school through grade 12. Over the years, the school has produced persons who have gone on to serve the Virgin Islands, the United States, and other parts of the world in various capacities. Mrs. Brady is not just an icon of All Saints, but of the community of the Virgin Islands as a whole.

During her years at the Cathedral School, she married, and with her husband, raised four children; all of whom are accomplished in their sphere of work. Her children, Alonzo, Stephen, Beverly, and Deborah, were educated at All Saints Cathedral School.

Mrs. Brady has also been a faithful Anglican/Episcopalian, who has a strong belief in prayer which she also instilled in the students. Every activity at All Saints, to this day, begins with prayer.

With her love and eagerness to see all students achieve their full potential, Mrs. Brady ensured that the students participate in both academic and extra curricula activities. The numerous trophies, plaques, and commendations that are prominently displayed on the office walls are a testimony to the numerous successful competitions in which the school participated. Activities such as the Christmas concert, Black history fair, music and art festival, science and social studies exhibition, maypole are some of the initiatives that the school has introduced to enrich the lives of the students and make them well-rounded individuals.

Mrs. Brady has always embraced, encouraged, and welcomed children of all nationalities, creeds, and races; therefore, making all Saints a true rainbow of an integrated society.

Mrs. Louise Brady has directly or indirectly impacted the lives of just about every family in the British and U.S. Virgin Islands, mine included as my brother Adam and sister Rebecca were among those who benefited from her tutelage.

Madam Speaker, I am proud to pay tribute to this phenomenal woman. The Virgin Islands are truly blessed to count her among our most treasured jewels.

REMEMBERING 1ST LT. CARWILE

HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. CHILDERS. Madam Speaker, I stand now to remember 1st LT. Lieutenant Donald C. Carwile. First Lieutenant Carwile served as a platoon leader in the United States Army and was actively serving in Operation Enduring Freedom in Afghanistan. Throughout Carwile's service to his country he received many awards including: The Bronze Star, the Purple Heart, the Army Commendation Medal, two Army Achievement Medals, the Army Good Conduct Medal, the Global War on Terrorism Service Medal, and other Service Ribbons. First Lieutenant Carwile was Airborne and Air Assault qualified, and was also awarded the Combat Infantryman Badge.

First Lieutenant Carwile fell in battle on August 15, 2008 during an ambush that involved enemy combatants, and an improvised explosive device. Carwile was a servant of the people. When he wasn't protecting our freedoms abroad, he was protecting them in Mississippi, where he served both the Batesville and Oxford Police Departments. First Lieutenant Carwile is survived by his wife, Jennifer Gail Carwile, and two daughters, Elizabeth Reese Carwile and Avery Claire Carwile all of Ft. Campbell, Kentucky.

Please join me today in saluting one of America's heroes for his life of service and sacrifice.

JOEY HAGERTY

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. UDALL of New Mexico. Madam Speaker, for Joey Hagerty, one of my constituents from the City of Rio Rancho, this year has been the best of times, and it has been the worst of times.

In March, Joey's dad was in a terrible car accident.

Like any other son in a similar situation, Joey found himself traveling back and forth between his work and his family's home, where his father was slowly recuperating. Unlike most of America's sons, however, Joey's work was at the U.S. Olympic Training Center. While his father was healing, Joey was training to be an Olympian.

Joey kept up his training even as he helped comfort his father. In June, Mike Hagerty got to watch his son qualify for the Beijing Olympics. Last month, he saw something he never thought he would see. Mike watched his son help propel the U.S. Olympic gymnastics team to a bronze medal.

Joey showed a commitment—to family and to excellence—that should inspire all of us. He represents the true spirit of the Olympics.

I rise today to honor Joey Hagerty, the first Olympian from Rio Rancho, a talented athlete and a devoted son.

IN HONOR OF GORDON WEEKS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. GALLEGLY. Madam Speaker, I rise in honor of Simi Valley Police Department Lieutenant Gordon Weeks, who retires today after 31½ years of dedicated and exceptional service to the department and the city it serves.

Simi Valley, California, has been my home for more than 40 years. When I was first elected to the City Council, Simi Valley's public safety was entrusted to the Simi Valley Community Safety Agency. Officers rode in white cars and wore light blue uniform shirts. It was an intentionally low-key and, some might say, casual approach to law enforcement.

Not long after my election to the council, I became the city's first elected mayor. A young officer approached me with his concerns about the image and functions of the Community Safety Agency and his ideas for professionalizing it. Our discussions, some of which occurred as I rode the streets of the city with officer Weeks in his patrol car, led to action. Soon the Simi Valley Community Safety Agency became the Simi Valley Police Department. White patrol cars were transformed into traditional black and whites. Community safety officers became trained and professional police officers and dressed the part.

Gordon Weeks was a pivotal force in bringing about those changes. He acted on his sense of professionalism and thereby helped to modernize Simi Valley's police force.

Gordon's influence over the maturity of the department did not end there. He remained at the forefront of building a professional police department. He was a founding member of the department's SWAT team and, after he was promoted to lieutenant in 1997, Gordon served 4 years as the SWAT commander.

Gordon also trained new recruits as a field training officer and later oversaw that program and the firearms training program for 3½ years.

As a Driving Under the Influence Team member for less than 2 years, Gordon arrested approximately 400 drunken drivers. For 2½ years he solved property and violent crimes as a detective. He was a patrol sergeant for 8 years. He worked as a background investigator. He served as a patrol watch commander and patrol administrative lieutenant.

Always, Gordon Weeks served as a professional. And the Police Department Lieutenant Weeks leaves behind today has his mark on it, for the better. Our collaboration and my respect for his dedication and professionalism has led to a long and lasting friendship.

Madam Speaker, I know my colleagues join me in thanking Lieutenant Gordon Weeks for more than three decades of dedication and professionalism to the Simi Valley Police Department and in wishing him well in a long and fruitful retirement. Godspeed, Gordy.

EMPLOYEES' LETTER ON R&D TAX CREDIT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. NEAL of Massachusetts. Madam Speaker, I rise today in support of the Research and Development tax credit, a credit which has been championed here in the House by my friend and colleague, Representative SANDER LEVIN. He has authored legislation to extend this important credit and I have joined him in this effort.

Today, I want to highlight a letter sent to all Members of Congress signed by 3,400 American workers, representing 43 States and well over 100 U.S. companies, ranging from small to large. In this letter, these workers in the research industry urge us to extend and strengthen the R&D tax credit, which expired on December 31, 2007.

Already, the House has passed legislation to extend the R&D tax credit. But our Senate colleagues have been unable to do the same. As many of my colleagues already realize, this tax credit is like no other. Without this credit, much of this innovative research would likely migrate to other countries, many which offer their own incentives.

Congress needs to enact a seamless and retroactive extension of this credit to ensure that these highpaying technology jobs stay in America.

As the 3,400 workers in the R&D industry aptly stated in their letter to Congress:

We write to you—from companies across the country both large and small—to address an issue that we believe will affect the likelihood that high-skilled jobs such as ours are located in our communities and in our country.

Simply put, we are dismayed that Congress has allowed the R&D tax credit to expire. We know that most of you have lauded the benefits of the credit, and we appreciate this support. We urge you to act now to enact into law an extension of a strengthened credit because research-dependent jobs are at stake.

I ask that this letter be included in the RECORD immediately following my comments.

Madam Speaker, I urge my colleagues to contact their counterparts in the Senate to demand immediate action on tax extenders. American workers are waiting and these jobs are simply too good to lose.

SEPTEMBER 10, 2008.

Hon. Harry Reid,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR MAJORITY LEADER REID: Our country has always been a hospitable place for invention. It is a reflection of our values and ingenuity. Government policies such as the R&D tax credit are expressions of our desire to innovate and create.

We write to you—from companies across the country both large and small—to address an issue that we believe will affect the likelihood that high-skilled jobs such as ours are located in our communities and in our country.

Simply put, we are dismayed that Congress has allowed the R&D tax credit to expire. We know that most of you have lauded the benefits of the credit, and we appreciate this support. We urge you to act now to enact into law an extension of a strengthened credit because research-dependent jobs are at stake.

The signatures you see on this letter represent just some of the tens of thousands of real people who have benefited positively from the effects of the credit over the past 26 years. You can read studies and surveys, but we are living proof that the vast majority of R&D credit dollars go directly to pay the wages of highly skilled American workers.

Between high gas prices and falling home values, it is a difficult time for all Americans. As you work to boost U.S. economic activity, please act quickly to reinstate and strengthen a program with a track record of more than two decades of success. We thank you for your commitment to our country and to U.S. workers.

Sincerely,

Signed by 3,400 workers in the R&D industry.

AMERICAN HISTORY

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mrs. MYRICK. Madam Speaker, when the first rays of daylight broke on the Lexington Green on April 19, 1775, "the shot heard round the world" was fired as British soldiers and American patriots clashed and sparked the war for American independence. A month later, on May 20, 1775, delegates of the citizens of Mecklenburg County, North Carolina, adopted their declaration of independence that "Resolved, That we the citizens of Mecklenburg County, do hereby dissolve the political bands which have connected us to the Mother Country, and hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connection, contract, or association, with that Nation, who have wantonly trampled on our rights and liberties and inhumanly shed the innocent blood of American patriots at Lexington."

Delegates to the Second Continental Congress declared American independence on July 4, 1776, by stating that "these colonies are, and of Right ought to be Free and Independent States" and in support of that declaration mutually pledged to each other their lives, their fortunes, and their sacred honor. General George Washington led an army of American patriots through the American Revolution. This army lacked everything but courage, shouldered every burden and adversity, and persevered for 8 long years to secure blessings of liberty for themselves and their posterity.

The liberty of our Nation was supported by the largesse of France's King Louis XVI and Spain's King Carlos III and secured by the daring of Europe's elite military officers, including La Fayette, Rochambeau, von Steuben, Pulaski, Galvez, and others.

The surrender of British forces under the command of General Lord John Cornwallis at the Battle of Yorktown on October 19, 1781, to the allied forces under the command of General George Washington and General Comte de Rochambeau set the stage for peace initiatives abroad. As such, Congress appointed Benjamin Franklin, John Adams, and John Jay to represent the United States and David Hartley was appointed by Great Britain's King George III to negotiate terms for peace.

On September 3, 1783, the peace commissioners of the United States and Great Britain

signed a Treaty of Peace in Paris which recognized American independence and boundaries and declared the intention of both parties to “forget all past misunderstandings and differences” and “secure to both perpetual peace and harmony.” Great Britain also signed treaties of peace in Paris on September 3, 1783, with France and Spain and provisionally with the Netherlands to bring a cessation of hostilities between the nations.

Therefore, I call upon Congress and the American public to recognize the 225th Anniversary of the Treaty of Paris that took place on September 3, 2008. We should remember and honor the men that served in the revolution; American, French, and Spanish. And we should recognize the enduring friendship between the United States and its first allies—France and Spain.

We should also recognize that it is the 225th anniversary of relations between the United States and Great Britain. While we fought many battles against each other in America's early years, we have fought side by side in far greater battles since those times. The Treaty of Paris 225th anniversary should therefore reaffirm the value of the deep friendship that has developed between America and Great Britain since that time.

History teaches us to hope. So let us recognize this date and hope that in the next 225 years America is stronger and more prosperous than it is now, and that its friendships with Spain, France, and Great Britain are as strong as they are today.

RURAL VETERANS ACCESS TO CARE ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2008

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand in support of our veterans and in support of H.R. 1527, the Rural Veterans Access to Care Act by my colleague from Kansas, Representative JERRY MORAN and the Members of the Veterans' Affairs Committee.

Ladies and gentlemen, as we come upon the anniversary of that fateful day in September this Thursday, it is important to remember our men and women currently serving and our veterans who have returned home.

WAR COSTS

Since the terrorist attacks of September 11, 2001, the United States has initiated three military operations:

Operation Enduring Freedom (OEF) covering Afghanistan and other Global War on Terror (GWOT) operations ranging from the Philippines to Djibouti that began immediately after the 9/11 attacks and continues;

Operation Noble Eagle (ONE) providing enhanced security for U.S. military bases and other homeland security that was launched in response to the attacks and continues at a modest level; and

Operation Iraqi Freedom (OIF) that began in the fall of 2002 with the buildup of troops for the March 2003 invasion of Iraq and continues with counter-insurgency and stability operations.

According to CRS estimates, with enactment of the FY2008 Supplemental and

FY2009 Bridge Fund on June 30, 2008, a total of about \$859 billion has been approved for military operations, base security, reconstruction, foreign aid, embassy costs, and veterans' health care for the three operations initiated since the 9/11 attacks.

This \$859 billion total covers all war-related appropriations from FY2001 through part of FY2009 in supplementals, regular appropriations, and continuing resolutions.

Of that total, CRS estimates that Iraq will receive about \$653 billion (76 percent), OEF about \$172 billion (20 percent), and enhanced base security about \$28 billion (3 percent), with about \$5 billion that CRS cannot allocate (1 percent) or readily determine where it was allocated.

As of April 2008, DOD's monthly obligations for contracts and pay averaged about \$12.1 billion, including \$9.8 billion for Iraq, and \$2.3 billion for Afghanistan.

The recently enacted FY2008 Supplemental (H.R. 2642/P.L. 110–252) includes a total of about \$160 billion for war costs for the Department of Defense (DOD), State/USAID and Veterans Administration medical programs for the rest of FY2008 and part of FY2009.

In February 2008, the Congressional Budget Office projected that additional war costs from FY2009 through FY2018 could range from \$440 billion, if troop levels fell to 30,000 by 2010, \$1.0 trillion, if troop levels fell to 75,000 by about 2013. Under these scenarios, CBO projects that funding for Iraq, Afghanistan and the GWOT could reach from about \$1.1 trillion to about \$1.7 trillion for FY2001–FY2018.

As of August 2008 in the Marine Corps alone we have lost over 1,060 young men and women give the ultimate sacrifice for our country, (OIF 1,001 and OEF 59). This does not even include our men and women in the Army, Air Force, Coast Guard, and National Guard.

With all that we are spending to send our armed forces overseas, we need to be keeping in mind what they will need when they return.

HEALTHCARE

It is our duty to take care of those who have risked life and limb to secure our freedom and the freedom of others around the world. The World Health Organization ranked the U.S. health care system 37th in the world for quality and 55th for fairness. We are the only industrialized country that does not have universal health care.

That is why I have supported Congressman JOHN CONYER's Universal Healthcare legislation (H.R. 676). We need all Americans—parents, children, veterans—to receive healthcare. H.R. 1527 ensures this kind of access to care for our Rural Veteran's and I can only hope that we continue to look at this type of legislation for everyone in this great Nation.

TEXAS VETERANS

In Texas, we have the Texas Veterans Commission (TVC) that was created in 1927. We have 9 medical centers and two regional centers with one in my great city of Houston, TX and one in Waco, TX. The Waco Regional Office serves over 942,000 veterans, as well as their family members, in the 164-county area that comprises the northern two-thirds of Texas. Each year, they process more than \$1.9 billion in VA benefit payments are issued to Texas veterans.

This is why I fought to get \$1 million to Riverside Hospital in Houston to help our vet-

eran's with their health care and their mental health issues. At this historic African-American hospital they work with our veteran's and assist with care for Post-traumatic stress disorder (PTSD).

Our Veteran's in our urban and rural areas deserve the best care we can give. We should not hesitate to care for the men and women who fought so courageously for us.

CONCLUSION

We are facing rising food, gas, and energy costs. Our housing markets are still reeling and we are at high levels of unemployment. We must ensure that the Securities markets are secure and able to withstand our current economic climate. Mr. Speaker, I urge my colleagues to support this important legislation.

COMMEMORATING HONOR FLIGHT BLUEGRASS CHAPTER

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. YARMUTH. Madam Speaker, I rise today in recognition of Honor Flight Bluegrass Chapter. Today, Honor Flight is making its latest trip to Washington to bring Kentucky's World War II veterans to visit the memorials that honor their courage and heroism and those that celebrate the heroic military personnel who served before them and those who followed in their footsteps.

Today, the United States of America has, without question, the most powerful military in the world. But in 1941, when an unprovoked attack on Pearl Harbor awakened a sleeping giant, America's military might was anything but certain. Though we did not have the larges or richest in the world, the United States' military was made up of warriors with unflagging courage and limitless dedication that followed in a tradition dating back to the Revolutionary War and continues to this day.

They are called the greatest generation and with good reason. By war's end, it was not only our military that went unquestioned. Following their efforts, the United States of America emerged from battle as a beacon of freedom and liberty.

Today, 63 years after their victory over Nazism, fascism, and imperialism, some of those heroes join us in the Nation's Capitol for the first time. As ever, we remain a Nation grateful for their sacrifice and indebted for their success.

Today's trip brings to Washington the following 38 Kentucky World War II veterans: Harold Ausmus, Ruben Avila, Fredrick Balke, John Beye, Hubert Wessel, Cynthia Phelps, Arthur Decker, Barbara Abbott, John Bruggensmith, Leslie Cohen, Clarence Crawford, James “Art” Cutoff, Wayne Tabor, Herman Sasse, Charles Dever, John Cook, Robert Kottcamp, Neal Puckett, Bernard Ohare, John Okeefe, Blond Puckett, Leslie “Dan” Stickler, Charles Tribble, Ernest Spencer, Harold Phillips, Joseph Riney, Kathryn Mattingly, Edward Peterson, Bill Brundage, Therese Comstock, Henry “Don” Donaldson, Matthew Flanagan, Robert Carrico, Robert Hall, Edward Jackey, Clyde Logsdon, Leonard O'Dell, and Edward Oechsli.

I urge my colleagues to join me in welcoming them to Washington, recognizing their

contribution to America's success, and thanking Honor Flight for their commitment to our World War II heroes.

Whereas, the dedicated members of the Ohio State Highway Patrol have served the residents of the state of Ohio with distinction and honor for 75 years; and

Whereas, the members of the Ohio State Highway Patrol serve their communities and the state of Ohio with honor and dignity, often putting themselves in harm's way to protect, defend, and serve the residents of this state and for this they should be commended; and

Whereas, when the Patrol was first instituted in 1933 there were 60 trained officers with six cars and 54 motorcycles. Today, the patrol has 1,500 sworn officers trained at the Patrol's Academy in Columbus and more than 1,000 professional and non-sworn staff; and

Whereas, they prepare to commemorate the milestone of 75 years with a celebration recognizing the Patrol's past accomplishments and years of dedicated service; now, therefore, be it

Resolved that along with friends, family, and the residents of the 18th Congressional District, I commend the Ohio State Highway Patrol for 75 years of unwavering commitment, and great dedication to the residents of the state of Ohio. With great appreciation and respect, we recognize the tremendous impact the past and present officers have had in the community and the state.

A PROCLAMATION HONORING THE
75TH ANNIVERSARY OF THE
OHIO STATE HIGHWAY PATROL

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. SPACE. Madam Speaker:

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 11, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 16

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine recent regulatory actions regarding Fannie Mae and Freddie Mac.

SD-538

Commerce, Science, and Transportation

To hold hearings to examine reasons that broadband internet access matters.

SR-253

Energy and Natural Resources

To hold hearings to examine the current state of vehicles powered by the electric grid and the prospects for wider deployment in the near future.

SD-366

Environment and Public Works

To hold oversight hearings to examine the children's health protection efforts of the Environmental Protection Agency (EPA).

SD-406

Finance

To hold hearings to examine aligning incentives, focusing on the case for delivery system reform.

SD-215

10:15 a.m.

Judiciary

Constitution Subcommittee

To hold hearings to examine restoring the rule of law.

SH-216

2:30 p.m.

Energy and Natural Resources

Energy Subcommittee

To hold hearings to examine recent analyses of the role of speculative investment in energy markets.

SD-366

Judiciary

Terrorism, Technology and Homeland Security Subcommittee

To hold hearings to examine the Visa Waiver Program, focusing on mitigating the program risks to ensure the safety of all Americans.

SH-216

Commission on Security and Cooperation in Europe

To hold hearings to examine the state of democracy and human rights in Belarus and how the Belarusian authorities are complying with their OSCE election commitments in advance of the September 28 parliamentary elections.

B318, Rayburn Building

SEPTEMBER 17

9:30 a.m.

Judiciary

To hold oversight hearings to examine the Federal Bureau of Investigation.

SH-216

Veterans' Affairs

To hold hearings to examine the nomination of Patrick W. Dunne, of New York, to be Under Secretary for Benefits of the Department of Veterans Affairs.

SR-418

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine protected marine areas, focusing on federal and

state efforts to conserve, manage, and restore marine resources.

SR-253

Foreign Relations

To hold hearings to examine Russia's aggression against Georgia, focusing on the consequences and responses.

SD-419

Health, Education, Labor, and Pensions

To hold hearings to examine 401 (k) plan fee disclosure, focusing on helping workers save for retirement.

SD-430

10:30 a.m.

Aging

To hold hearings to examine direct-to-consumer medical device advertising, focusing on marketing and medicine.

SD-562

SEPTEMBER 18

2:30 p.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee

To hold an oversight hearing to examine bus safety.

SR-253

SEPTEMBER 24

9:30 a.m.

Veterans' Affairs

To hold oversight hearings to examine cooperation and collaboration by the Departments of Veterans Affairs and Defense on information technology efforts.

SR-418

10 a.m.

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine the imbalance in United States-Korea automobile trade.

SR-253

Joint Economic Committee

To hold hearings to examine the current economic outlook.

SD-106

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8221–S8328

Measures Introduced: Nine bills and three resolutions were introduced, as follows: S. 3460–3468, S. Res. 653–654, and S. Con. Res. 97. **Page S8275**

Measures Reported:

S. 3052, to provide for the transfer of naval vessels to certain foreign recipients. (S. Rept. No. 110–451) **Page S8275**

Measures Passed:

Highway Trust Fund: Committee on Finance was discharged from further consideration of H.R. 6532, to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S8256–64**

Boxer (for Baucus) Amendment No. 5427, to change the date of restoration. **Page S8257**

Honoring Anne Legendre Armstrong: Committee on the Judiciary was discharged from further consideration of S. Res. 645, honoring the life of Anne Legendre Armstrong, and the resolution was then agreed to. **Page S8326**

Honoring Representative Stephanie Tubbs Jones: Senate agreed to S. Res. 654, honoring the life and recognizing the accomplishments of the Honorable Stephanie Tubbs Jones, Member of the House of Representatives for the 11th Congressional District of Ohio. **Page S8326**

Measures Considered:

National Defense Authorization Act: Senate continued consideration of S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, taking action on the following amendments proposed thereto:

Adopted:

Kyl Amendment No. 5414, to make available from Research, Development, Test, and Evaluation, Defense-wide activities, \$89,000,000 from the acti-

vation and deployment of the AN/TPY–2 forward-based X-band radar. **Pages S8250–51**

Levin (for Leahy/Byrd) Amendment No. 5323, to provide for a suspension of certain statutes of limitations when Congress has authorized the use of military force. **Pages S8229–31, S8251**

By 94 yeas to 2 nays (Vote No. 199), Nelson (FL) Amendment No. 4979, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation. **Pages S8240–42, S8244–50, S8264–66**

Rejected:

By 39 yeas to 57 nays (Vote No. 198), Vitter Amendment No. 5280, to authorize, with an offset, an additional \$100,000,000 for Procurement, Defense-wide, and an additional \$171,000,000 for Research, Development, Test, and Evaluation, Defense-wide, for near-term missile defense programs and activities. **Pages S8231–40, S8242–44, S8251–56, S8264**

Pending:

Reid Amendment No. 5290, to change the enactment date. **Page S8228**

Reid Amendment No. 5291 (to Amendment No. 5290), of a perfecting nature. **Page S8228**

Motion to recommit the bill to the Committee on Armed Services with instructions to report back forthwith, with Reid Amendment No. 5292 (to the instructions of the motion to recommit), to change the enactment date. **Page S8228**

Reid Amendment No. 5293 (to the instructions of the motion to recommit to the bill), of a perfecting nature. **Page S8229**

Reid Amendment No. 5294 (to Amendment No. 5293), of a perfecting nature. **Page S8229**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 11:30 a.m., on Thursday, September 11, 2008. **Page S8326**

Moment of Silence—Agreement: A unanimous-consent agreement was reached providing that at 12:30 p.m. on Thursday, September 11, 2008, Senate observe a moment of silence to honor the victims of the September 11 terrorist attacks. **Page S8326**

Messages from the House: **Page S8274**

Measures Referred: **Page S8274**

Executive Communications:	Pages S8274–75
Additional Cosponsors:	Pages S8275–77
Statements on Introduced Bills/Resolutions:	Pages S8277–80
Additional Statements:	Pages S8270–74
Amendments Submitted:	Pages S8280–S8325
Authorities for Committees to Meet:	Page S8325
Privileges of the Floor:	Page S8326
Record Votes: Two record votes were taken today. (Total—199)	Pages S8264, S8264–65

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:46 p.m., until 10:30 a.m. on Thursday, September 11, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8326.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Appropriations: Subcommittee on Defense approved for full Committee consideration an original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2009.

PREPAID CALLING CARD MARKET

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine ways to improve consumer protection in the prepaid calling card market, including S. 2998, to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services, after receiving testimony from Representative Engel; William Kovacic, Chairman, Federal Trade Commission; Sally Greenberg, National Consumers League, and Gus West, Hispanic Institute, both of Washington, D.C.; and Patricia L. Acampora, New York State Public Service Commission, on behalf of the National Association of Regulatory Utility Commissioners, and Rosemary O'Brien, Military Marketing, both of New York, New York.

HIGHWAY BRIDGE PROGRAM

Committee on Environment and Public Works: Committee concluded a hearing to examine improving the Federal Highway Bridge Program, focusing on an assessment of S. 3338, to amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, and H.R. 3999, to

amend title 23, United States Code, to improve the safety of Federal-aid highway bridges, to strengthen bridge inspection standards and processes, to increase investment in the reconstruction of structurally deficient bridges on the National Highway System, after receiving testimony from Thomas J. Madison, Jr., Administrator, Federal Highway Administration, Department of Transportation; Katherine Siggerud, Managing Director, Physical Infrastructure Issues, Government Accountability Office; Gary M. Ridley, Oklahoma Department of Transportation, Oklahoma City, on behalf of the American Association of State Highway and Transportation Officials; Andrew Herrmann, Hardesty and Hanover, LLP, New York, New York, on behalf of the American Society of Civil Engineers; and John Krieger, United States Public Interest Research Group, Washington, D.C.

BOTTLED WATER ENVIRONMENTAL IMPACTS

Committee on Environment and Public Works: Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality concluded a hearing to examine the quality and environmental impacts of bottled water, after receiving testimony from Emily Lloyd, New York City Department of Environmental Protection, Flushing, New York; Mae Wu, Natural Resources Defense Council, and Wenonah Hauter, Food and Water Watch, both of Washington, D.C.; Stephen C. Edberg, Yale University School of Medicine, New Haven, Connecticut; and Joseph K. Doss, International Bottled Water Association, Alexandria, Virginia.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the following:

S. 3038, to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, with an amendment in the nature of a substitute;

S. 1070, to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, with an amendment in the nature of a substitute; and

S. 1577, to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and

State background checks on direct patient access employees of long-term care facilities or providers, with an amendment in the nature of a substitute.

ALBANIA AND CROATIA

Committee on Foreign Relations: Committee concluded a hearing to examine the Protocols to the North Atlantic Treaty of 1949 on the Accession of the Republic of Albania and the Republic of Croatia adopted at Brussels on July 9, 2008, and signed that day on behalf of the United States and the other Parties to the North Atlantic Treaty (Treaty Doc. 110–20), after receiving testimony from Daniel Fried, Assistant Secretary of State for European and Eurasian Affairs; and Daniel P. Fata, Deputy Assistant Secretary for European and North Atlantic Treaty Organization (NATO) Policy, Department of Defense.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Sung Y. Kim, of California, for the rank of Ambassador during his tenure of service as Special Envoy for the Six Party Talks, C. Steven McGann, of New York, to be Ambassador to the Republic of the Fiji Islands, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati, and Carol Ann Rodley, of Virginia, to be Ambassador to the Kingdom of Cambodia, after the nominees testified and answered questions in their own behalf.

DEFENSE CONTRACT AUDIT AGENCY

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine audits at the Defense Contract Audit Agency, after receiving testimony from Diem Thi Le, Senior Auditor, Paul Hackler, Supervisory Auditor, and April G. Stephenson, Director, all of the Defense Contract

Audit Agency, and Gordon S. Heddell, Acting Inspector General, all of the Department of Defense; and Gregory D. Kutz, Managing Director, Forensic Audits and Special Investigations, and Gayle L. Fischer, Assistant Director, Financial Management and Assurance Team, both of the Government Accountability Office.

FEDERAL GOVERNMENT TRANSITION

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine managing the challenges of the Federal government transition, focusing on assessing the readiness and planning for the transition and identifying critical needs for the next Administration to address, after receiving testimony from Gene L. Dodaro, Acting Comptroller General of the United States, Government Accountability Office; Clay Johnson, III, Deputy Director for Management, Office of Management and Budget; Robert I. Cusick, Director, United States Office of Government Ethics; and Gail T. Lovelace, Chief Human Capital Officer, General Services Administration.

COMBATING VIOLENT CRIME

Committee on the Judiciary: Committee concluded a hearing to examine new strategies for combating violent crime, focusing on drawing lessons from recent experience, after receiving testimony from Dean M. Esserman, Providence Police Department, Providence, Rhode Island; Alfred Blumstein, Carnegie Mellon University H. John Heinz III School of Public Policy and Management, Pittsburgh, Pennsylvania; Jeremy Travis, City University of New York John Jay College of Criminal Justice, New York, New York; James A. Summey, English Road Baptist Church, High Point, North Carolina; and George L. Kelling, Rutgers University Manhattan Institute, Newark, New Jersey.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 15 public bills, H.R. 6854–6868; and 2 resolutions, H. Res. 1423–1424 were introduced. **Pages H8018–19**

Additional Cosponsors: **Pages H8019–20**

Reports Filed: There were no reports filed today.

Chaplain: The prayer was offered by the guest Chaplain, Dr. David O. Dykes, Pastor, Green Acres Baptist Church, Tyler, Texas. **Page H7959**

Recess: The House recessed at 10:35 a.m. and reconvened at 12:20 p.m. **Pages H7962–63**

Expressing the sense of the House of Representatives regarding the terrorist attacks launched

against the United States on September 11, 2001: The House agreed by unanimous consent that the Speaker be authorized to entertain motions to suspend the rules relating to H. Res. 1420, expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001, on the legislative day of Thursday, September 11, 2008. **Page H7967**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, September 9th:

Rural Veterans Access to Care Act: H.R. 1527, amended, 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, by a $\frac{2}{3}$ yea-and-nay vote of 417 yeas with none voting “nay”, Roll No. 578; **Pages H7968–69**

Agreed to amend the title so as to read: “To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to conduct a pilot program to permit certain 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.”. **Page H7969**

Veterans’ Compensation Cost-of-Living Adjustment Act of 2008: S. 2617, to amend title 38, United States Code, to codify increases in 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 that were effective as of December 1, 2007 and to provide for an increase in the rates of such compensation effective December 1, 2008, by a $\frac{2}{3}$ yea-and-nay vote of 418 yeas with none voting “nay”, Roll No. 579—clearing the measure for the President; and **Pages H7969–70**

Prevent All Cigarette Trafficking Act of 2008: H.R. 4081, amended, to prevent tobacco smuggling and to ensure the collection of all tobacco taxes, by a $\frac{2}{3}$ yea-and-nay vote of 379 yeas to 12 nays, Roll No. 584. **Pages H7987–88**

Missisquoi and Trout Rivers Wild and Scenic River Study Act of 2008: The House passed 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, by a recorded vote of 299 yeas to 118 noes, Roll No. 583. **Pages H7970–84**

Agreed to table the appeal of the ruling of the chair on a point of order sustained against the Sali motion to recommit the bill to the Committee on Natural Resources with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 228 yeas to 187 nays, Roll No. 582. **Pages H7982–83**

Boehner motion to recommit the bill to the Committee on Natural Resources with instructions to report the same back to the House promptly with an amendment was withdrawn. **Pages H7983–84**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill pursuant to part II of H. Rept. 110–668 shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Page H7977**

Agreed to the Grijalva motion that the Committee rise by a recorded vote of 221 yeas to 193 noes, Roll No. 580. **Page H7980**

Accepted:

Bishop amendment (No. 2 printed in H. Rept. 110–834) that adds to the proposed study an assessment of any impact a wild and scenic designation in the study area is likely to have on energy production, transmission or conveyance; **Pages H7978–79**

Flake amendment (No. 3 printed in H. Rept. 110–834) that provides that nothing in it may be construed as authorizing appropriations for a new designation within the National Wild and Scenic Rivers System; and **Pages H7979–80**

Grijalva amendment (No. 1 printed in H. Rept. 110–834) that requires that the proposed study analyze any potential impacts on the possession or use of a weapon, trap, or net, including a concealed weapon (by a recorded vote of 418 yeas with none voting “no”, Roll No. 581). **Pages H7977–78, H7981**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H7988**

H. Res. 1419, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 223 yeas to 190 nays, Roll No. 577, after agreeing to order the previous question by a yea-and-nay vote of 224 yeas to 189 nays, Roll No. 576. **Pages H7963–68**

Recess: The House recessed at 3:53 p.m. and reconvened at 5:27 p.m. **Page H7980**

Point of Personal Privilege: Representative Rangel rose to a point of personal privilege and was recognized. **Pages H7984–87**

Amending the Internal Revenue Code of 1986 To Restore the Highway Trust Fund Balance: The House agreed by unanimous consent that the

Speaker be authorized to entertain motions to suspend the rules relating to H.R. 6532, to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance, on the legislative day of Thursday, September 11, 2008. **Page H7988**

Senate Messages: Messages received from the Senate today appear on pages H7959, H7984.

Quorum Calls—Votes: Six yea-and-nay votes and three recorded votes developed during the proceedings of today and appear on pages H7967–68, H7968, H7968–69, H7969–70, H7980, H7981, H7983, H7984, H7988. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:35 p.m.

Committee Meetings

AFGHANISTAN—IRAQ SECURITY AND STABILITY

Committee on Armed Services: Held a hearing on Security and Stability in Afghanistan and Iraq: Developments in U.S. Strategy and Operations and the Way Ahead. Testimony was heard from the following officials of the Department of Defense: Robert M. Gates, Secretary; ADM Michael G. Mullen, USN, Chairman, Joint Chiefs of Staff; Ambassador Eric S. Edelman, Under Secretary, Policy; and VADM James A. Winnefeld, Jr., USN, Director, Strategic Plans and Policy, Joint Chiefs of Staff.

MILITARY FOREIGN LANGUAGE CAPABILITIES

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on transforming the U.S. military's foreign language, cultural awareness, and regional expertise capabilities. Testimony was heard from the following officials of the Department of Defense: Gail H. McGinn, Deputy Under Secretary (Plans), Office of the Under Secretary, (Personnel and Readiness); BG Gary Patton, USA, Senior Language Authority, Office of the Chairman, Joint Chiefs of Staff/J–1; BG; R. M. Lake, USMC, Director of Intelligence, U.S. Marine Corps; RADM Daniel P. Holloway, USN, Director, Military Personnel Plans and Policy Division (OPNAV N13), U.S. Navy; Joseph M. McDade, Jr., Director, Force Development (HAF/AID), Deputy Chief of Staff, Manpower and Personnel, U.S. Air Force; and BG Richard Longo, USA, Director, Training, Office of the Deputy Chief of Staff, G–3/5/7, U.S. Army.

SOVEREIGN WEALTH FUNDS

Committee on Financial Services: Subcommittee on Domestic and International Monetary Policy, Trade, and Technology held a hearing entitled “Sovereign

Wealth Funds: New Challenges from a Changing Landscape.” Testimony was heard from public witnesses.

VIRTUAL FENCE OVERSIGHT

Committee on Homeland Security: Held a hearing entitled “Mismanagement, Missteps and Missed Benchmarks: Why the Virtual Fence Has Not Become A Reality.” Testimony was heard from the following officials of the U.S. Customs and Border Protection, Department of Homeland Security; W. Ralph Bashman, Commissioner; and Jayson P. Ahern, Deputy Commissioner; and the following officials of the GAO: Richard Stana, Director, Homeland Security and Justice; and Randolph C. Hite, Director, IT Architecture and Systems Issues.

TASK FORCE ON ANTITRUST AND COMPETITION

Committee on the Judiciary: Approved a resolution establishing the Task Force on Antitrust and Competition.

SAN FRANCISCO BAY RIDGE COMPLEX ESTABLISHMENT ACT

Committee on Natural Resources: Subcommittee on Fisheries, Wildlife and Oceans held a hearing and an oversight hearing on H.R. 6479, San Francisco Bay National Wildlife Refuge Complex Establishment Act. Testimony was heard from Representative Stark; Eric Alvarez, Realty Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, Department of the Interior; Peyton Robertson, Director, Chesapeake Bay Office, NOAA, Department of Commerce; COL Dionysios Anninos, District Engineer, U.S. Army Corps of Engineers, Norfolk District, Department of the Army; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: Ordered reported the following: H.R. 6842, amended, National Capital Security and Safety Act; H. Con. Res. 223, Honoring professional surveyors and recognizing their contributions to society; H. Con. Res. 351, Honoring the 225th anniversary of the Continental Congress meeting in Nassau Hall, Princeton, New Jersey in 1783; H. Con. Res. 376, Congratulating the 2007–2008 National Basketball Association World Champions, the Boston Celtics, on an outstanding and historic season; H. Con. Res. 386, Recognizing and celebrating the 232nd anniversary of the signing of the Declaration of Independence; H. Res. 1000, To commemorate the 250th anniversary of the naming of Pittsburgh as the culmination of the Forbes Campaign across Pennsylvania and the significance this event played in the making of America, in the settlement of the Continent, and in

spreading the ideals of freedom and democracy throughout the world; H.R. 1356, Celebrating the 221st anniversary of the signing of the Constitution of the United States of America, and for other purposes; H. Res. 1418, Congratulating Michael Phelps, 2008 Beijing Summer Olympic champion swimmer, on winning eight gold medals in the 2008 Beijing Olympics and becoming one of the most decorated athletes in Olympic history; H.R. 6199, To designate the facility of the United States Postal Service located at 245 North Main Street in New City, New York as the “Kenneth Peter Zebrowski Post Office Building;” H.R. 6681, To designate the facility of the United States Postal Service located at 300 Vine Street in New Lenox, Illinois, as the “Jacob M. Lowell Post Office Building;” and H.R. 6772, to designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the “CeeCee Ross Lyles Post Office Building.”

MILITARY SEXUAL ASSAULTS

Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs held an oversight hearing on Sexual Assault in the Military—Part 2. Testimony was heard from Kaye Whitley, Director, Sexual Assault Prevention and Response Office, Department of Defense; and Brenda S. Farrell, Director, Defense Capabilities and Management, GAO.

DEVELOPING NEW ENERGY TECHNOLOGIES

Committee on Science and Technology: Subcommittee on Energy and Environment held a hearing on the Foundation for Developing New Energy Technologies: Basic Energy Research in the DOE Office of Science. Testimony was heard from Patricia Dehmer, Deputy Director, Science, Office of Science, Department of Energy; and public witnesses.

COAST GUARD PERSONNEL DIVERSITY

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on Diversity in the Coast Guard, including Recruitment, Promotion, and Retention of Minority Personnel. Testimony was heard from the following officials of the U.S. Coast Guard, Department of Homeland Security: ADM Jody A. Breckinridge, USCG, Director, Strategic Transportation Team and Assistant Commandant for Human Resources; and Commander Master Chief Kevin D. Isherwood, Command Master Chief for Chief of Staff.

AMERICA'S ENERGY AND CLIMATE CHALLENGES

Select Committee on Energy Independence and Global Warming: Held a hearing entitled “Investing in the Future: R & D Needs To Meet America’s Energy and Climate Challenges.” Testimony was heard from public witnesses.

Joint Meetings

GEORGIA

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine Russia, Georgia, and the return of power politics, after receiving testimony from Matthew J. Bryza, Deputy Assistant Secretary of State for European and Eurasian Affairs; David Bakradze, Speaker of the Parliament of Georgia and former Foreign Minister, Tbilisi, Republic of Georgia; Paul Saunders, Nixon Center, Washington, D.C.; and Paul A. Goble, Azerbaijan Diplomatic Academy in Baku, Baku, Azerbaijan.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 11, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Energy and Natural Resources: business meeting to consider pending calendar business, 12 noon, SD-366.

Committee on Environment and Public Works: to hold a briefing to examine the state of science and potential issues associated with Environmental Protection Agency’s (EPA) Sewage Sludge Program, 10 a.m., SD-406.

Committee on Foreign Relations: to hold hearings to examine the nominations of Brian H. Hook, of Iowa, to be an Assistant Secretary of State (International Organization Affairs), Gregori Lebedev, of Virginia, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform, Gregori Lebedev, of Virginia, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador, and Matthew A. Reynolds, of Massachusetts, to be an Assistant Secretary of State (Legislative Affairs), 9 a.m., SD-419.

Committee on Homeland Security and Governmental Affairs: Permanent Subcommittee on Investigations, to hold hearings to examine dividend tax abuse, focusing on ways that offshore entities avoid taxes on United States stock dividends, 9 a.m., SD-106.

Full Committee, to hold hearings to examine the nominations of Carol Waller Pope, of the District of Columbia, and Thomas M. Beck, of Virginia, both to be a Member of the Federal Labor Relations Authority, 2:30 p.m., SD-342.

Committee on Indian Affairs: to hold hearings to examine S. 3128, to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project, S. 3355, to authorize the Crow Tribe of Indians water rights settlement, and S. 3381, to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, Tesuque, and Taos, 10:30 a.m., SD-628.

Committee on the Judiciary: business meeting to consider S. 2746, to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, S. 2838, to amend chapter 1 of title 9 of United States Code with respect to arbitration, S. 3136, to encourage the entry of felony warrants into the NCIC database by States and provide additional resources for extradition, S. 1276, to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, S. 3197, to amend title 11, United States Code, to exempt for a limited period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days, S. 3325, to enhance remedies for violations of intellectual property laws, S. 3296, to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice, S. 2052, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces, H.R. 5235, to establish the Ronald Reagan Centennial Commission, S. 3166, to amend the Immigration and Nationality Act to impose criminal penalties on individuals who assist aliens who have engaged in genocide, torture, or extrajudicial killings to enter the United States, and the nominations of Jeffrey Leigh Sedgwick, of Massachusetts, to be an Assistant Attorney General, J. Patrick Rowan, of Maryland, to be an Assistant Attorney General, and William B. Carr, Jr., of Pennsylvania, to be a Member of the United States Sentencing Commission, 2 p.m., SD-562.

Committee on Small Business and Entrepreneurship: to hold hearings to examine business start-up hurdles in underserved communities, access to venture capital and entrepreneurship training, 10 a.m., SR-428A.

Committee on Veterans' Affairs: to hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion, 9:30 a.m., 345 Cannon Building.

Special Committee on Aging: to hold hearings to examine 1-800-MEDICARE Information (1-800-633-4227), 10 a.m., SR-325.

House

Committee on Agriculture, hearing to review dramatic movements in agriculture and energy commodity markets, 1 p.m., 1300 Longworth.

Committee on Education and Labor, Subcommittee on Healthy Families and Communities, hearing on Examining the Role of Museums and Libraries in Strengthening Communities, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce Trade, and Consumer Protection, hearing on the Economic and Security Concerns in Tourism and Commerce, including the following bills: H.R. 3232, Travel Promotion Act of 2007; and H.R. 1776, Call Center Consumer's Right to Know Act, 11 a.m., 2123 Rayburn.

Subcommittee on Energy and Air Quality, hearing entitled "Protecting the Electric Grid from Cyber-Security Threats," 11 a.m., 2322 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on the continuing investigation into the U.S. Attorneys Controversy and Related Matters, 12 p.m., 2237 Rayburn.

Subcommittee on Courts, the Internet, and Intellectual Property, hearing on H.R. 6845, Fair Copyright in Research Works Act, 1 p.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, hearing on H.R. 4300, Juvenile Justice Accountability and Improvement Act of 2007, 2 p.m., 2237 Rayburn.

Committee on Natural Resources, Subcommittee on National Parks, Forests and Public Lands, hearing on the following bills: H.R. 3114, National Women's Rights History Project Act; H.R. 4162, San Bernardino Biomass Use Facilitation Act; H.R. 6156, Eastern Sierra and Northern San Gabriel Wild Heritage Act; H.R. 6233, To reinstate the Interim Management Strategy governing off-road vehicle use in the Cape Hatteras National Seashore, North Carolina, pending the issuance of a final rule for off-road vehicle use by the National Park Service; H.R. 6290, Lewis and Clark Mount Hood Wilderness Act of 2008; H.R. 6291, Oregon Treasures Act of 2008; H.R. 6470, River Basin National Battlefield Act; H.R. 6553, To clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System lands subject to ski area permits; and H.R. 6628, Connell Lake Watershed Protection and Recreation Act, 10 a.m., 1334 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Federal Workforce, Postal Service and the District of Columbia, hearing on H.R. 4272, To amend chapter 15 of title 5, United States Code, to provide for an additional, limited exception to the provision prohibiting a State or local officer or employee from being a candidate for elective office, 2 p.m., 2154 Rayburn.

Committee on Science and Technology, hearing on the Next Generation Air Transportation System: Status and Issues, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing on Examining Expiring Tax Incentives and the Needs of Small Businesses," 10 a.m., 1539 Longworth.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, oversight hearing on GI Bill Implementation, 1 p.m., 340 Cannon.

Committee on Ways and Means, Subcommittee on Health, hearing on reforming Medicare's physician payment system, 10 a.m., 1100 Longworth.

Subcommittee on Income Security and Family Support, hearing on Challenges Facing American Workers, 12 p.m., B-318 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, briefing, on Hot Spots, 12:30 p.m., H-405 Capitol.

Joint Meetings

Joint Hearing: Senate Committee on Veterans' Affairs, to hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion, 9:30 a.m., 345, Cannon Building.

Next Meeting of the SENATE

10:30 a.m., Thursday, September 11

Next Meeting of the HOUSE OF REPRESENTATIVES

11 a.m., Thursday, September 11

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of S. 3001, National Defense Authorization Act. Also, Senate will observe a moment of silence at 12:30 p.m. to honor the victims of the September 11 terrorist attacks.

House Chamber

Program for Thursday: To be announced.

Extensions of Remarks, as inserted in this issue

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 Yarmuth, John A., Ky., E1756, E1760



Congressional Record

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