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House of Representatives

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 11, 2008.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

On this, the seventh anniversary of the historic tragedy inflicted on this Nation known as 9/11, we, Your people, turn to You, the Lord of consolation, healing, and redemption. We remember both innocent citizens and heroic first responders. We continue to mourn their loss, and pray Your peace descend upon their families and their colleagues.

It is said that day changed the world. Lord, help us to embrace the reality of what has changed. Our perception of ourselves as a Nation? Our relationship to other Nations around the world? Confusion or clarity in our understanding of human nature? Have any of our notions of violence changed?

It seems, Lord, the urgent question of our time is whether we can make change our friend and not our enemy.

When and however You will, almighty God, help us to change what needs to be changed, and humbly admit what we cannot change. Cast Your light upon us so we may look deep down within and see what we are unwilling to change.

Because our world is spinning so fast, we still cannot grasp Your dynamic stillness and peace or imagine everlasting and unconditional love. So, Lord, have mercy on us, pardon us, and uphold us now and forever. Amen.

THE JOURNAL

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

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

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

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

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. POE 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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

SEPTEMBER 10, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 10, 2008, at 8:23 p.m. and said to contain a message from the President whereby he transmits the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of India Concerning Peaceful Uses of Nuclear Energy.

With best wishes, I am,
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

PROPOSED AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF INDIA CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–146)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to section 123 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153) (AEA), the text of a proposed Agreement for Cooperation Between the Government of the United

States of America and the Government of India Concerning Peaceful Uses of Nuclear Energy. I am also pleased to transmit my written determination concerning the Agreement, including my approval of the Agreement and my authorization to execute the Agreement, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. (In accordance with section 123 of the AEA, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), a classified annex to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately.) The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed.

The proposed Agreement has been negotiated in accordance with the AEA and other applicable law. In my judgment, it meets all applicable statutory requirements except for section 123 a. (2) of the AEA, from which I have exempted it as described below.

The proposed Agreement provides a comprehensive framework for U.S. peaceful nuclear cooperation with India. It permits the transfer of information, non-nuclear material, nuclear material, equipment (including reactors) and components for nuclear research and nuclear power production. It does not permit transfers of any restricted data. Sensitive nuclear technology, heavy-water production technology and production facilities, sensitive nuclear facilities, and major critical components of such facilities may not be transferred under the Agreement unless the Agreement is amended. The Agreement permits the enrichment of uranium subject to it up to 20 percent in the isotope 235. It permits reprocessing and other alterations in form or content of nuclear material subject to it; however, in the case of such activities in India, these rights will not come into effect until India establishes a new national reprocessing facility dedicated to reprocessing under IAEA safeguards and both parties agree on arrangements and procedures under which the reprocessing or other alteration in form or content will take place.

In Article 5(6) the Agreement records certain political commitments concerning reliable supply of nuclear fuel given to India by the United States in March 2006. The text of the Agreement does not, however, transform these political commitments into legally binding commitments because the Agreement, like other U.S. agreements of its type, is intended as a framework agreement.

The Agreement will remain in force for a period of 40 years and will continue in force thereafter for additional periods of 10 years each unless either party gives notice to terminate it 6 months before the end of a period. Moreover, either party has the right to terminate the Agreement prior to its expiration on 1 year's written notice to the other party. A party seeking early termination of the Agreement has the right immediately to cease cooperation under the Agreement, prior to termination, if it determines that a mutually acceptable resolution of outstanding issues cannot be achieved through consultations. In any case the Agreement, as noted, is a framework or enabling agreement that does not compel any specific nuclear cooperative activity. In the event of termination of the Agreement, key nonproliferation conditions and controls would continue with respect to material and equipment subject to the Agreement.

An extensive discussion of India's civil nuclear program, military nuclear program, and nuclear nonproliferation policies and practices is provided in the Nuclear Proliferation Assessment Statement (NPAS) and in a classified annex to the NPAS submitted to the Congress separately.

The AEA establishes the requirements for agreements for nuclear cooperation, some of which apply only to non-nuclear-weapon states (see AEA, section 123 a.). The AEA incorporates the definition of ''nuclear-weapon state'' from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which defines it to mean a state that has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967. Therefore India is a non-nuclear-weapon state for NPT and AEA purposes, even though it possesses nuclear weapons. The Agreement satisfies all requirements set forth in section 123 a. of the AEA except the requirement of section 123 a. (2) that, as a condition of continued U.S. nuclear supply under the Agreement, IAEA safeguards be maintained in India with respect to all nuclear materials in all peaceful nuclear activities within its territory, under its jurisdiction, or carried out under its control anywhere (i.e., ''full-scope'' or ''comprehensive'' safeguards).

The Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (the ''Hyde Act'') established authority to exempt the Agreement from the full-scope safeguards requirement of section 123 a. (2) of the AEA, as well as certain other provisions of the AEA relating to supply under such an agreement, provided that the President makes certain determinations and transmits them to the Congress together with a report detailing the basis for the determinations. I have made those determinations, and I am submitting them together with the required report as an enclosure to this transmittal.

Approval of the Agreement, followed by its signature and entry into force, will permit the United States and India to move forward on the U.S.-India Civil Nuclear Cooperation Initiative, which Indian Prime Minister Manmohan Singh and I announced on July 18, 2005, and reaffirmed on March 2, 2006. Civil nuclear cooperation between the United States and India pursuant to the Agreement will offer major strategic and economic benefits to both countries, including enhanced energy security, an ability to rely more extensively on an environmentally friendly energy source, greater economic opportunities, and more robust nonproliferation efforts.

The Agreement will reinforce the growing bilateral relationship between two vibrant democracies. The United States is committed to a strategic partnership with India, the Agreement promises to be a major milestone in achieving and sustaining that goal.

In reviewing the proposed Agreement I have considered the views and recommendations of interested agencies. I have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved it and I urge that the Congress also approve it this year.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 10, 2008*.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, as we acknowledge the anniversary of 9/11, we ask God to bless America. And when we go home to our congressional districts this weekend, we should all ask our constituents one question: Are you better off today than you were 8 years ago when President Bush came to Washington?

An overwhelming majority of Americans believe they are worse off today than back in 2000. And no wonder. Let's consider the record of overseeing our Nation's economy.

Over the last 8 years, the median household income has fallen by $1,000; 3.4 million more Americans are unemployed; 5.7 million more Americans are living in poverty; and, foreclosure rates are at a record high, with 2.5 million homes projected to enter foreclosure this year.

Madam Speaker, the Republican policies led to this economic condition that Americans face today. And rather than being sympathetic, the Republican Presidential candidate is accusing Americans of being whiners. How

can we expect any help if this man is elected to the White House?

THE OLD GUARD—AND SEPTEMBER 11, 2001

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

Mr. POE. Madam Speaker, on that bright sunny day in September 2001, when America was attacked, there were many heroic responses.

Next to the Pentagon is Arlington National Cemetery, where America buries its war dead. In sight of the Pentagon is the Tomb of the Unknown.

This tribute to our warriors has been guarded continuously, 24 hours a day since 1930, by the oldest active duty infantry unit in the Army, the 3rd U.S. Infantry, known as the Old Guard.

These soldiers that guarded the tomb on 9/11 already knew about the suicide attacks against America in New York. And when that third plane roared low and fast near Arlington Cemetery and crashed into the Pentagon killing 189 people, these remarkable soldiers did not seek cover or safety before or after the assault on the Pentagon. They continued to do their duty, and stayed on vigilant guard at their post, not forsaking their dedication to the Tomb of the Unknown or to America. In fact, after the news of the New York attack, the Old Guard brought in reinforcements to protect and guard the tomb.

Amazing soldiers, these people of the Old Guard that never leave their post.

And that's just the way it is.

DIRECTION OF OUR COUNTRY

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

Mr. KAGEN. Madam Speaker, on this date, September 11, 2001, we were attacked. But that was not the end of the American story. The American story is still unfolding, as it has in my home area in Kimberly, Wisconsin, with the closing of the Kimberly Paper Mill.

One of the workers there is Randy Gossens. With his wife, Vicky, he has worked at that mill for 32 years, and he says, ''With the closing of the Kimberly mill, we will not be able to help out with our daughter's education the way we did with our son. My wife and I are very proud of the fact that our son graduated from college and that we were able to help him financially with his chosen career. With the mill closing and our future income so unsure, we will not be able to do the same with our daughter.''

What kind of Nation are we when we turn our back on our own American workers, when we have trade deals that are unfair and unbalanced? On this very special day, we need to look back and think back, but at the same time we have to take a positive step forward and change the direction of this country and the direction of our trade deals as well.

HONORING THOSE WHO PROTECT US

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

Mr. WILSON of South Carolina. Madam Speaker, today we remember the 3,000 Americans murdered 7 years ago. While we pause and reflect, we are reminded of the incredible heroism of that day, the selfless commitment of so many, helping their neighbor, coworkers, or a complete stranger. We have seen that character, courage, and commitment every day since in those who have stood to protect our Nation at home and abroad. We remember Todd Beamer. Six major plots have been stopped in New York City alone.

To our soldiers, sailors, airmen, and marines, and all our military families, we owe you a debt of gratitude. To our first responders and intelligence officials, your service reminds us that there are many roles to play in protecting American families, and defeating terrorists overseas.

I am grateful to know that so many Americans are willing to stand on the front lines in defense of liberty. We must never forget their sacrifice and never fail to honor them.

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

COMMEMORATING SEPTEMBER 11, 2001

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

Mr. KLEIN of Florida. Madam Speaker, 7 years ago, our country was attacked by those who sought to terrorize our way of life through violence and through fear. The tragedy and loss caused by these hateful acts will haunt our generation, yet the resilience of the American people will inspire many more to come.

Today, America stands strong and our democracy undeterred. This republic remains one Nation, united by democratic ideals and tolerance.

New York, home to many South Floridians where I am from, remains in the hearts and minds of all Americans. Florida, like New York, is a mosaic of traditions and cultures. Such communities can only exist when respect and understanding champion over bigotry and hate.

America is founded upon the principles of freedom, we are sustained by the rule of law, and we are defended by brave men and women at home and abroad who serve our country and protect our democracy. In remembering September 11, 2001, we must never forget the sacrifices made by Americans that came before us, and always honor those that continue to do so today.

HUMANITARIAN CRISIS IN CUBA

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

Mr. FLAKE. Madam Speaker, as we commemorate the seventh anniversary of 9/11; we should know that there is a humanitarian disaster unfolding in the Caribbean, in particular, in the country of Cuba hit twice now, one by Gustav and then by Ike. The island is in dire straits, and the people there need our help. The problem is, currently the restrictions on travel and sending gift parcels are so extreme that Americans and family members of people in Cuba cannot help them.

I will be introducing legislation today to lift temporarily the restriction on gift parcels. Currently, gift parcels sent by family members to other family members in Cuba cannot even contain clothing, hygiene kits, or medical supplies, and that is simply wrong. We shouldn't have that restriction. It should be lifted, if not completely, at least temporarily.

Also, certain humanitarian licenses can be obtained now, but it takes a long time generally for that to happen. I would call on the Bush administration to expedite licensing of humanitarian groups, churches, and others who want to help the good people of Cuba.

□ 1115

REMEMBERING SEPTEMBER 11

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

Mr. COHEN. Madam Speaker, quite a few speakers today have spoken about 9/11, and we'll have services at the Pentagon and the Capitol memorializing that day. It is the Pearl Harbor, the December 7, of our generation; and it's a day when partisan politics shouldn't take place and, hopefully, won't today in this Chamber or anywhere else.

We're all Americans. We're not red Americans or blue Americans, Democrats or Republicans, but Americans. And I think we need to think about the victims. We need to think about the first responders, the police people and the fire people who gave their lives and rushed into those buildings, the emergency personnel and the sheriffs' deputies who protect us every day. And we need to think about the first counterterrorists, the passengers on Flight 93, that took control of that flight that was otherwise destined for either this great historic United States Capitol or the White House and would have caused death or injuries to people such as you and me, Madam Speaker, who are in this House today and would have been here in 2001. We need to thank the counterterrorists on Flight 93. Never forget them, and never forget the victims of 9/11.

God bless America.

MEDIA FAIRNESS INITIATIVE: NETWORKS ENGAGE IN LABELING BIAS

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

Mr. SMITH of Texas. Madam Speaker, sometimes the worst examples of unfair news coverage are what reporters choose not to say. For example, while the media often label Governor Sarah Palin ''conservative,'' they seldom call Senator BARACK OBAMA or Senator JOE BIDEN ''liberal,'' despite the fact that the National Journal ranks Senator OBAMA as the most liberal member of the Senate, and Senator BIDEN as the third most liberal member of the Senate.

A comparison of television network news programs immediately after each vice presidential selection shows that newscasters continually referred to Governor Sarah Palin as ''conservative,'' but did not one time, not a single time, label Senator JOE BIDEN as ''liberal.''

The American people should encourage the media to apply the same rules to both Presidential tickets. Only then can we restore Americans' faith in news reporting.

REPUBLICAN ENERGY POLICY

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

Ms. SOLIS. Madam Speaker, Republicans say they favor an all-of-the-above solution to our Nation's energy crisis. Yet their record from the past 8 years tells us something different.

Republicans have consistently voted against critical solutions that should be a part of a comprehensive energy package. For instance, they voted against important tax provisions needed for renewable energy and energy efficiency industries. They voted against responsible drilling. They voted against efforts to protect consumers from speculators who manipulate our markets. They voted against measures to bring down oil prices. And lastly, they voted against American workers by not supporting green collar jobs.

These votes and others show the true Grand Oil Party whose primary goal is to protect the record profits of big oil companies. If my colleagues are really serious about supporting an all-of-the-above energy proposal, then they should join Democrats and support a sensible and comprehensive energy package.

RECOGNIZING MOSAIC

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

Mr. TERRY. Madam Speaker, I rise today to recognize all the good people at Mosaic who have come to Washington, D.C. to take part in the ANCOR 2008 Governmental Activities Seminar. Throughout this week, people from Mosaic, along with all of the attendees from ANCOR events, are meeting with their congressional offices to raise awareness about the need for an adequately paid, trained and dedicated workforce.

Low wages have been a prime obstacle in maintaining a qualified work force. Unlike the other sectors of the private market, the formal long-term support system is almost entirely dependent upon public financing, particularly Medicaid funding.

Madam Speaker, there is no better way to recognize this workforce's contribution to the Nation than to ensure that these folks who are dedicated direct support professionals are fairly compensated. I urge my colleagues to join with me and Lois Capps in cosponsoring the bipartisan Direct Support Professionals Fairness and Security Act, H.R. 1279.

HONORING SISTER EILEEN McNERNEY

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

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to honor Sister Eileen McNerney, executive director of Taller San Jose in Santa Ana, California on the occasion of her retirement at the end of this month.

Sister McNerney first arrived to the great city of Santa Ana in 1992, and she has made a significant contribution to bettering the lives of the Santa Ana youth through the workshop that she founded over 12 years ago, a workshop called Taller San Jose.

Students at Taller San Jose learn to leave behind the violence of gangs, the harm of drugs and alcohol and the trauma of becoming a teen parent by training for a career in construction, computers and yes, even medicine.

Taller San Jose, or Workshop San Jose, is a highly respected and recognized trade school within the city of Santa Ana, and it has received many domestic and international grants, awards and recognition.

Sister McNerney's dedication to the youth of Santa Ana continues in her retirement, as she is encouraging Taller San Jose to find someone new, new leadership to infuse that leadership into that group.

She is an extraordinary example of community leadership. She is a friend, and I thank her for her years of service to our community.

COMMENDING FAYETTEVILLE'S FIRST CHRISTIAN CHURCH FOR 160 YEARS OF SERVICE

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

Mr. BOOZMAN. Madam Speaker, I rise today to recognize and commend Fayetteville's First Christian Church on its 160th anniversary. This great country was founded on religious principles and the ideals of our Founders and can be seen in the works and service that is carried out every day by this church.

First Christian welcomes people from all walks of life with open arms, and its commitment to not only teaching but showing the love of God is something that we can all be very proud of.

I honor First Christian Church and its members for the dedication and commitment of their faith and their strength in service to the kingdom of God. The church is truly doing the work of the Lord and is reaching out to help people in need. It is an integral part of the community, and its members have played an important role in shaping northwest Arkansas.

I'm grateful for the efforts of all church members who serve as stewards of Jesus Christ. It is through their commitment to God that the legacy of First Christian Church lives on.

REMEMBERING SEPTEMBER 11

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

Mr. PAYNE. Madam Speaker, 7 years ago our Nation was struck. And as we reflect on that infamous day, as a representative of North Jersey, many of the victims came from our State. We responded with our firefighters and first responders who immediately went over to New York through the tunnel, by boat, to assist our brothers and sisters there.

I want to say a special word about one of my constituents, Wanda Green, who was a flight attendant on Flight 93 that left my district, my town of Newark, New Jersey and, as you know, was on its way to the Capitol and was brought down by heroic persons on board that plane.

Wanda Green was a flight attendant who switched with another attendant who asked her to take her flight because she had to do something, and Wanda said, all right.

I visited her two college-age children at that time, and we talked about how courageous she was and that they had to live on and move on in her spirit.

And so we are here to express and reflect on that day. To all the families who were impacted, you have our deep condolences.

ALL-OF-THE-ABOVE ENERGY STRATEGY

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

Mr. SHIMKUS. Madam Speaker, I'm pretty happy today. The rumors coming out of the majority bring hope that

we'll have an opening up of the Outer Continental Shelf, not just in this energy bill that should come to the floor next week, but also in stopping the prohibition on the continuing resolution. That will bring the opportunity of more supply of oil and gas to our country, a much-needed benefit.

I know we all focus on crude oil a lot, but an all-of-the-above energy strategy would also address coal. There's two provisions, Congressmen Boucher/Shimkus coal-to-liquid bill, which would help incentivize coal being turned into liquid fuel. That would help decrease our reliance on imported crude oil, make our country safer.

The Department of Defense wants long-term contracting so that we can incentivize coal-to-liquid refineries. That would also help. An all-of-the-above strategy would not forget coal.

OUR NATIONAL SECURITY

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

Ms. FOXX. Madam Speaker, this is a day to remember those who died in the attacks on American soil 7 years ago. Since that day, this Nation's security has been the highest priority on both sides of the aisle. We may not all agree, we may not often agree, but we do love this country, and we want to do everything we can to ensure its security.

I stand today because this occasion is a necessary time to think about the ways we get our energy. Energy is a huge part of our national security. Having domestic energy sources will help secure this Nation.

It's safe to say that no one in this Chamber thinks that relying on foreign oil is a good long-term strategy for this Nation. It's not good for our economy, and it's not good for our security.

I also think both sides generally agree that using alternative sources of energy are essential to our Nation's future. What we seem to disagree on is a matter of logistics. How quickly can we develop reliable cars that use other forms of energy besides oil? How can we make solar and wind power more available to power individual homes? The truth of the matter is, such solutions are not immediately available.

In the meantime, Americans still need to drive to work. They still need to buy groceries. They still need to heat their homes. We need to respond to the reality of our situation. While we continue to develop alternative energies, we need to increase our supply of the energy this Nation relies on. We have the resources. We have the technology to get them in an environmentally friendly way. Let's help out the American people who are looking to us for solutions.

DEVELOPING A COMPREHENSIVE ENERGY BILL

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

Mr. PENCE. Madam Speaker, almost 6 weeks ago this House adjourned for a 5-week paid vacation. A year and a half had passed, and the Democrat leadership remained, up to that moment, steadfast on one issue and one issue only—there would never be a vote on the House floor that gave the American people more access to American oil through domestic drilling.

House Republicans refused to go quietly. We held this floor for 5 weeks, demanding that, in the wake of this 21st-century energy crisis, Congress come together in a bipartisan way and develop a comprehensive energy bill that said yes to conservation, yes to alternative sources of energy, and yes to more domestic drilling. And now, although we don't have the language yet, there is word that there is a Democrat bill coming to the floor that includes more domestic drilling.

I rise to commend my Republican colleagues who fought for the right of the American people to debate, having access to their own resources, and I say to my colleagues, bring your bill to the floor. We'll bring our bill to the floor. Make it an open debate. Let us cast the votes, and let us lay forward a blueprint for energy independence in the 21st century as the bipartisan accomplishment of this Congress.

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 11 o'clock and 29 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1333

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. TAUSCHER) at 1 o'clock and 33 minutes p.m.

ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. ACKERMAN. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1426

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Mr. SCOTT of Virginia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO CONSIDER AS ADOPTED MOTIONS TO SUSPEND THE RULES

Mr. HOYER. Madam Speaker, I ask unanimous consent that the motions to suspend the rules relating to the following measures be considered as adopted in the form considered by the House on Tuesday, September 9, 2008: House Resolution 1207, H.R. 6169, and H.R. 6513.

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

There was no objection.

The SPEAKER pro tempore. Without objection, sundry motions to reconsider are laid on the table.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. HOYER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1420) expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1420

Whereas on the morning of September 11, 2001, terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City and a third into the Pentagon outside Washington, DC;

Whereas the passengers and crew aboard United Flight 93 acted heroically to prevent the terrorist hijackers from taking additional American lives, by crashing the plane in Shanksville, Pennsylvania and sacrificing their own lives instead;

Whereas thousands of innocent men, women, and children were brutally murdered in the attacks of September 11, 2001;

Whereas 7 years later, the United States still mourns their loss and honors their memory;

Whereas by targeting symbols of American strength and prosperity, the attacks were intended to assail the principles and values of the American people, to intimidate the Nation and its allies, and to weaken the national resolve;

Whereas the United States remains steadfast in its determination to defeat, disrupt, and destroy terrorist organizations and

seeks to harness all elements of national power, including its military, economic, and diplomatic resources, to do so;

Whereas Congress passed and the President signed numerous laws to assist victims of terrorism, protect our Nation, combat terrorism at home and abroad, and support, in the field and upon return, the members of the Armed Forces who courageously defend the United States;

Whereas the terrorist attacks that have occurred around the world since September 11, 2001, remind us all of the hateful inhumanity of terrorism and the ongoing threat it poses to freedom, justice, and the rule of law;

Whereas the United States has worked cooperatively with the nations of the free world to capture and punish terrorists and remains committed to building strong and effective counterterrorism alliances;

Whereas immediately following September 11, 2001, the United States Armed Forces moved swiftly against al-Qaeda and the Taliban, which the President and Congress had identified as enemies of the United States;

Whereas in doing so, brave servicemen and women left loved ones in order to defend the Nation; and

Whereas 7 years later, many servicemen and women remain abroad, defending the Nation from further terrorist attacks and continuing to battle al-Qaeda and the Taliban: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes September 11 as a day of solemn commemoration;

(2) extends its deepest condolences again to the friends, families, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks;

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the innocent victims and, in so doing, bravely risked and often sacrificed their own lives;

(4) expresses gratitude to the foreign leaders and citizens of all nations who have assisted and continue to stand in solidarity with the United States against terrorism in the aftermath of the attacks;

(5) asserts in the strongest possible terms that the war on terrorists and terrorism is not a war on any nation, any people, or any faith;

(6) recognizes the heroic service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, and their families, who have sacrificed much, including their lives and health, in defense of their country against terrorists and their supporters;

(7) vows that it will continue to take whatever actions are appropriate to identify, intercept, and defeat terrorists, including providing the United States Armed Forces, the United States intelligence agencies, and the United States diplomatic service with the resources and support to effectively and safely accomplish this mission; and

(8) reaffirms that the American people will never forget the sacrifices made on and since September 11, 2001, and will defeat those who attacked our Nation through our shared determination, spirit, and embrace of democratic values.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. HOYER) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. HOYER. Madam Speaker, I ask unanimous consent that the 20 minutes accorded to me be managed by Mr. ACKERMAN of New York.

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

There was no objection.

GENERAL LEAVE

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

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

There was no objection.

Mr. ACKERMAN. Madam Speaker, I am happy to yield to the majority leader, Mr. HOYER, 1 minute.

Mr. HOYER. I thank the gentleman from New York, and I thank Ms. ROS-LEHTINEN, for bringing this to the floor.

Madam Speaker, I rise to speak on this resolution not as a Democrat but as an American.

September 11 is seared into my memory just as December 7 was for an earlier generation. Indeed, I know it is seared in the memory of every American.

It was a day of horror and of heroism, and each year it will be a day for us to renew our devotion to the ideals that make our Nation what it is, ideals of liberty, tolerance, equality, and the rule of law.

On this seventh anniversary, this resolution introduced by myself and the Republican leader, Mr. BOEHNER, recognizes September 11 as a day of remembrance and resolve. We mourn nearly 3,000 men, women, and children murdered. We pledge to keep their names alive and their memories fresh, and we pledge ourselves, once again, to those who loved and lost them.

And we recall the heroism of this day, the light of courage that shines brightest in the darkest hours. We remember the service and sacrifice of our first responders, firemen, policemen, medical personnel, average citizens; 343 firefighters, 37 Port Authority officers, 23 police officers. They served us unto death and they died in service.

We remember the heroic passengers of United Flight 93, ordinary Americans who found in themselves unthinkable reserves of heroism and saved the building in which we stand at the cost of their lives.

The Capitol's dome rises on this hill as a symbol of freedom and liberty and democracy. Surely that was the target of those terrorists, and they would have succeeded save for the extraordinary courage of the passengers of that flight.

We send our thoughts far away as well from this Chamber where our servicemen and women are serving and fighting in harm's way as we speak.

Inspired by each and every one of those sacrifices, let us renew our resolve. We commit ourselves to defending our people against any and all future threats. We remain steadfast in our commitment to disrupt, dismantle, defeat, and destroy terrorist networks that endanger all that we hold dear. We will devote to that cause all of our military might, all of our diplomatic skill, and all our moral force.

Americans have worked tirelessly to make our Nation safer. This Congress has passed, and the President signed, numerous laws to assist victims, combat terrorism, protect our homeland, and to support the members of our Armed Forces who defend our interests at home and around the world.

Most importantly of all, we adopted last year all of the recommendations of the 9/11 Commission. And now we must implement them.

We must keep working to keep America secure. We can always do more. And, as the chairman of the 9/11 Commission pointed out, we are not yet strong enough. Today is a reminder that in this uncertain century, even the most powerful Nation on Earth is vulnerable.

So let us add humility and watchfulness to our mourning because we are defending something greater and more powerful than our own lives. We are defending the same ideals to which our founders pledged more than two centuries ago, their lives, their fortunes, and their sacred honor.

We are defending the American ideals that stretch through our history and animate our spirit even today. And no attack, no attack, can break them.

Madam Speaker, I urge all of my colleagues to join with Mr. BOEHNER and me in unanimously supporting this resolution of remembrance and resolve.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

It has been 7 years since the unimaginable happened, unimaginable, but nevertheless all too real.

It is difficult to believe that the months and the years have passed so quickly for some, so slowly for others. But although the passage of time cannot erase the scars, it often shows mercy by soothing the raw wounds of experience and transforming them into memory. And that is our purpose here today, Madam Speaker, to remember, to remember the victims and to remind ourselves of the hatred that fuels the enemies of freedom and their desire to destroy us, to destroy our homeland, to destroy everything that we represent.

Every American and millions around the globe remember that day, remember where they were and what they were doing when they heard the news and turned on their televisions. They remember the numbing shock and the horror of that day. All wanted to do something to help, and yet there seemed at that time to be so little that could be done to relieve the suffering and the fear.

Thank God that there were men and women in a position to help and who did so at great risk and at great cost to themselves. We honor those individuals for their bravery, none of whom sought fame, many of whom lost their lives so that others might live.

But while it is appropriate that we remember the events of that day, that we mourn those whom we lost and celebrate the many heroes, our attention should not be fixed entirely on the past for the attack on us was not a single blow but the declaration of a war.

We suddenly learned that this war had already been fought against us for many years and in many places, but we had not recognized it for what it was. We had the taking of our embassy and Americans hostages in Iran in 1979, the bombing of our embassy compound and the Marine attacks in Beirut in the early 1980s, the first World Trade Center bombing by Islamic terrorists in 1993, and the attack on the Khobar Towers in Saudi Arabia, the USS *Cole*, and our embassies in Kenya and Tanzania, also in the 1990s.

The goal of our self-proclaimed enemies is not to defeat us but to destroy us. For they must destroy us if they are to destroy the civilization we represent which they have defined as their ultimate aim. Their fantasies cannot be made true as long as we exist to stop them.

This is a new type of war, Madam Speaker, which presents unfamiliar challenges, and it will test us in ways for which the methods of the past have only a limited use.

Securing victory will task our mental and material resources and will require innovative approaches and unconventional solutions. But our courage, our steadfastness, our determination will be as greatly challenged.

In the 7 years since we were attacked, we have come to know our enemies, we have come to know their plans and their methods of operation.

□ 1345

As we see them more clearly, we are increasingly able to uncover their networks and locate their hiding places. But we should not expect an easy success. Our enemies have many allies and have sunk deep roots that will not easily be torn out.

Even as I speak, our warriors are fighting for us and for our country far away from their homes. I am proud that my stepson and my daughter-in-law are two of those warriors who served in Iraq and Lindsey in Afghanistan as well.

We pray for the success of all of our personnel in harm's way, knowing that victory will not be achieved in one decisive battle but in many small ones and fought in many ways and in many places around the globe.

Let us remember this as we prepare our defenses and make our plans to seek out and destroy those who would destroy us.

We must not deceive ourselves with the hope that this threat will just go away, that our enemies will tire of the battle, that they will experience a change of heart, and that they will renounce the evil that they have committed, and instead, we know that they will eagerly plan to do so again.

We must remember that we cannot hide, that we must not fall prey to the easy belief that there are easy solutions because, in fact, there are none.

But there is no room for despair, Madam Speaker. For more than two centuries, our country has risen to meet the challenges that at the time seemed impossible, when the odds against us seemed to be too great, and the path to victory seemed difficult to see. But we have always prevailed.

So on this day of remembrance, Madam Speaker, let us reflect upon all those whom we have lost, on all those who guard us still today, and on the task remaining for all of us, and pledge to do our duty as have all the generations that have preceded us.

God bless the United States of America, now and always.

With that, Madam Speaker, I reserve the balance of our time.

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

Madam Speaker, this resolution pays homage to the lives lost on the 11th of September in 2001 and recognizes this anniversary as a time of solemn commemoration. It extends deepest condolences to the friends, families and loved ones of the innocent victims of the terrorist attacks; it expresses gratitude to the leaders and citizens of other countries who assisted, supported, and stood by the United States in the aftermath of the attacks; and it honors the Nation's first responders, Armed Forces and others whose valiant efforts are a credit to their country and who continue to keep us safe.

Each of us remembers exactly where we were on 9/11 when we heard the tragic news. We remember the days of unity that followed when we acted together to protect this country from those determined to harm us and undermine our way of life.

Last year, we took a major step in furtherance of that goal by enacting, with bipartisan support, legislation to implement the recommendations of the 9/11 Commission, in both its domestic and foreign policy dimensions. By doing so, we addressed major security vulnerabilities and improved our homeland security across the board. I call on the President to continue his work to fully implement that act.

Al Qaeda remains a serious threat to the United States. In particular, the al Qaeda leadership that was responsible for ordering the attacks on September 11 has been reconstituted in the tribal areas of Pakistan. From that safe haven, they continue to pose danger to the world and increasingly threaten American troops in Afghanistan.

And this is more than just a military campaign. In the battle against extremists, ideas matter as much as ammunition, and this Nation must employ its soft power—its moral, economic, financial, diplomatic and cultural resources—to the very fullest.

The global realities of the 21st century require us to use the full range of nonmilitary tools as a fundamental pillar of our national security. We in Congress must support full funding for our international affairs programs. They bolster our national security by allowing us to work with foreign partners to track down terrorists overseas, to secure dangerous weapons wherever they are found, and to help stabilize fragile states.

Madam Speaker, this country is in the midst of a competitive election campaign. The stakes could not be higher. But today we set aside all of that to remember what unites us is greater than that which divides us. We all love our country and seek to keep it safe in these perilous times.

Madam Speaker, none of us will forget what happened 7 years ago today. We will always remember the victims of 9/11 and the loved ones who survived them. We still have unfinished work. Congress still needs to act, and hopefully soon, to provide the care to the people who rushed to Ground Zero to help others, as well as the thousands who worked on the ''pile'' in the aftermath to rebuild the site.

We owe those heroes of 9/11 the care and compensation they deserve. We will always honor the first responders who lost their lives that day—and those in uniform who risk their lives today and every day to defend America.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Virginia, the ranking member on the Committee on Oversight and Government Reform, Mr. DAVIS, who lost many friends and constituents at the Pentagon on that fateful day 7 years ago.

Mr. DAVIS of Virginia. I thank my friend for yielding.

The passage of time should bring perspective, a clarity of thought and vision only possible from a distance. Seven years after this Nation was savagely attacked by terrorists, we have to ask: What should we discern today looking back at those events, and what lessons are the silenced voices of the dead still urging us to heed?

But grief numbs the painful past, and complacency can obscure our view of future perils. We pause to mourn, to remember, to pay homage to those lost, not out of ritual obligation, but in solemn self-interest. We invoke the cherished memories of the victims of September 11, 2001, to rekindle the timeless flame of vigilance in the living. If we forget those lost, more will perish.

Today, the Pentagon memorial to 9/11's heroes is being dedicated. A permanent shrine to the 184 people who gave their lives there 7 years ago, it stands

as a serene reminder of their sacrifice. It should inspire us, in their memory, to honor all those who fight to defend America and advance freedom every day.

Our remembrance of the past should also light the path through present challenges. Seven years ago, the price of a barrel of oil was $20. Today, it's over $100. Dependence on foreign energy sources adds to the vulnerabilities exploited seven Septembers ago and constrains our options in trying to make America and the world more secure. Honoring the sacrifices of 9/11 today calls us all to put aside personal convenience and political bias in the struggle against global carbon addiction.

Our attention span can be short. In the age of the 24/7 cable news cycle, 7 years is an eternity. But to those who attacked us, it's just seven grains of sand in the arid desert of their malevolent thousand-year campaign of horror. Each September 11 should remind us of the brevity of our time here, the preciousness of each life, and the urgency of the challenges we still face.

A great American author said, ''There is a sacredness in tears. They are not the mark of weakness, but of power. They speak more eloquently than 10,000 tongues. They are messengers of overwhelming grief and unspeakable love.'' Today's tears convey messages of grief and love to those lost 7 years ago in New York City, Shanksville, Pennsylvania, and at the Pentagon.

I urge passage of this resolution.

Mr. ACKERMAN. Madam Speaker, I am pleased to recognize now for 3 minutes the chairman of the Foreign Affairs Subcommittee on the Western Hemisphere, the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Madam Speaker, I rise in strong support of this resolution, and I thank my friend from New York (Mr. ACKERMAN) for yielding to me.

I speak obviously as an American, but I also speak as a New Yorker. And, Madam Speaker, there isn't a New Yorker alive, as there isn't an American alive, whose life was not changed as a result of what happened 7 years ago today on September 11, 2001. I lost many constituents in the attack on the World Trade Center, lost many friends, and even today, every week when I fly back into New York and I look at the landscape of New York City, I always imagine where the Twin Towers would be and know that the landscape has changed forever.

But even more importantly than the landscape, it's what was done to all of us as Americans on that day. I think we lost our innocence that day. I think the feeling that somehow or other we could never be attacked because we had the Atlantic and the Pacific Oceans protecting us went out the window, and we realized that we were as vulnerable as anyone else.

The evil people who forced the planes to fly into the World Trade Center have many friends who are still around and would still do us harm, and we as a Nation have to be resolved, to be prepared to fight against terrorism, yes, conduct the war on terror. I know some don't like that phrase, but there is a war on terror, and we have to make sure that we do everything possible to win that war on terror.

As was mentioned before, we all remember where we were that day when we first heard the news. We all remember how we felt, and I remember a day or two after the carnage going down there, looking around, and standing in disbelief and saying I can't believe that this is New York, I can't believe that what I'm seeing isn't just a dream, I can't believe that I'm not going to pinch myself and wake up.

Let me say that we still have a fight on our hands. It's also a fight to honor our first responders, to say thank you continuously to those who protect us, and to remind ourselves that there are literally thousands upon thousands of New Yorkers and people in other States who came down in the aftermath of the World Trade Center catastrophe and helped people. And those people, as a result, have difficulty and health problems today, and we as a Nation must continue to make sure that these people are protected and taken care of and not turn the other way and look the other way.

Right now, the New York delegation is fighting to make sure that the first responders and others who helped people and who became sick as a result are not turned way and that we are taking care of them, and let us resolve to continue to do that and more in the aftermath of September 11.

Madam Speaker, I rise in strong support of this resolution, and I think that the Congress unanimously should speak with one voice and say, Never Again.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from New Jersey (Mr. SMITH), the ranking member of the Subcommittee on Africa and Global Health of our Foreign Affairs Committee, who knows the personal suffering of 9/11 as he represents family members of the victims and lost over 50 fellow citizens from his congressional district when the World Trade Center towers were hit.

□ 1400

Mr. SMITH of New Jersey. I thank my good friend, the distinguished ranking member, ILEANA ROS-LEHTINEN, for yielding. And Madam Speaker, I rise in strong support of the resolution.

Despite the passage of 7 years, Madam Speaker, the scars from the attack on our country on September 11, 2001 remain. They remain from the loss of the lives of nearly 3,000 innocent men, women and children, including over 50 men and women from my own district, the 4th District of New Jersey.

Over the course of these several years—as a matter of fact, almost right away—I got to know several of the widows and the loved ones and was so moved and so impressed by their love for the victims. Their loss was—is—excruciatingly painful. But the families also had a great sense that we needed to do more to ensure that this never happens again. And whether it be the ''Jersey Girls'' who walked the halls of this Congress, strongly advocating for the establishment of the 9/11 Commission, or the others—I even actually hired one of the individuals who lost a loved one in my office to do case work. And her sensitivity and her sense of concern for those who suffered irreparable loss that day has been inspiring to me as it has been to members of our delegation in New Jersey and so many others as well.

The scars remain, obviously, Madam Speaker, in the painful void in the lives of the families who sought in vain to make some sense of their horrific and tragic loss. And the scars remain embedded in the fabric of our society, which has had to learn to cope with the reality of a world where indiscriminate large-scale attacks on human life are a constant threat.

Madam Speaker, while recognizing the extraordinary efforts and courage of America's first responders—the firefighters, police officers, emergency response personnel, the heroes—it was also apparent from the terrorist attacks that our Nation had much to learn. We had to craft policies to better protect our people.

I was one of those, among so many others, who advocated early and consistently for a commission to chronicle the facts, missteps and opportunities lost leading up to the tragedy and to develop a well-informed, thoughtful strategy to reduce the future risk of an attack. The 9/11 Commission—that was chaired so ably by Governor Tom Kean, the former Governor of New Jersey, and former chairman of the Foreign Affairs Committee, Lee Hamilton—issued an historic, incisive report, a comprehensive report which, together with subsequent legislation, was not only thoroughly examined by House and Senate committees, but virtually all of the recommendations were enacted into law. The whole thrust, post 9/11, Madam Speaker, is to mitigate and, God willing, prevent such a tragedy from ever occurring again.

Madam Speaker, we must be diligent in searching for and implementing new means for responding to developing threats. Our enemies are constantly searching for our vulnerabilities, and our ability to remain ahead of them is critical to our very survival.

I want to thank Mr. HOYER for introducing this piece of legislation which gives us the opportunity to have an official solemn expression. It extends our deepest condolences to all who suffered the loss of a loved one as a result of the attacks here in Washington and in New York and in Pennsylvania. To honor those who courageously risked and

even sacrificed their lives, some firefighters bravely went up those stairs at the World Trade Center knowing that it was fraught with unbelievable danger to their own lives. The legislation recognizes the service and sacrifice of our military personnel and their families who continue to strive to protect our country both here and abroad, and to continue to take all appropriate actions, and to do so, I would submit, in a bipartisan way to defend and protect our Nation.

This is a very good resolution and a very solemn day for America.

Mr. ACKERMAN. Madam Speaker, it is now my pleasure to yield 3 minutes to the chairman of the Committee on Armed Services, the distinguished gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. I thank the gentleman.

I thank Majority Leader HOYER and Minority Leader BOEHNER for crafting this elegant, bipartisan resolution today, solemnly marking the tremendous tragedy of 9/11 and honoring the thousands of Americans who have worked since to recover and stop a similar event from happening again.

And although the aftermath of the 9/11 attacks will resonate for generations, the terrorists' cold-blooded violence will never break the American spirit, alter our values, or shake our resolve.

The job of protecting the American people is a perpetual responsibility. We are blessed with dedicated men and women in uniform and civilian roles who serve our Nation with honor here at home as well as abroad.

As we remember the fallen today, all of us must renew our commitment to do all that is necessary to protect our families, our communities, and our Nation.

I cannot say enough in recognition of the incredible sacrifices being made by military families around the world. Time and again, we grow concerned that the burden for them will be too great, and yet they've continued to amaze us with their dedication to country and devotion to service, not to mention their unsurpassed skill.

I still worry that we have asked too much of these few Americans and too little of the rest of us. But I cannot be prouder of those in uniform and their families.

Seven years ago, al Qaeda terrorists intent on destroying symbols of American power ruthlessly killed thousands of innocent people. The genesis of the 9/11 attacks emerged from al Qaeda bases in Afghanistan. I remain deeply concerned that the United States has not given the war in Afghanistan the priority it deserves. That concern was only reinforced yesterday by the testimony of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff before the House Armed Services Committee. Admiral Mullen testified that the United States is not yet winning in Afghanistan. This is unacceptable, particularly when military and intelligence officials predict that this volatile region is the most likely source of a future attack against our country.

On this day of memory for loss and sacrifice, my resolve to do my part in performing Congress' unique and necessary role in preventing a recurrence of such attack only grows stronger.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 4 minutes to the gentleman from Connecticut (Mr. SHAYS), the ranking member of the Oversight Subcommittee on National Security and Foreign Affairs, as well as a member of the Intelligence Subcommittee on the Homeland Security Committee. He also has experienced the dramatic impact of the 9/11 attacks as he lost so many constituents and continues to this day to comfort and assist the over 80 families impacted by that attack.

Mr. SHAYS. Madam Speaker, 9/11 was a wake-up call from hell. We all know how we reacted to it, but the weeks that followed for those of us in the greater New York area had special meaning. It was a very poignant time.

I think of the family of Joe Coppo, whose son Joseph, at the time a college student, said goodbye to him at a service in New Canaan. He talked about his dad and said, ''Dad, you wanted me to become an adult. You taught me so many things.'' This is a young man who is now a marine and served in Iraq. He told us of all the things that his dad wanted him to learn. And then he said, ''Dad, I have learned from you. Don't worry, I'm an adult now.'' And then looking at his mom he said, ''I'll be there to take care of mom.''

The next week in the same church, Frank Fetchet, in talking about his son Brad and all the things he wanted him to learn, said, ''Son, I learned far more from you than I learned from me.''

I think of a service in Easton, at a small New England church that was built hundreds of years ago and was so small that most people couldn't fit in. It was a beautiful sunny day, and most of the congregation was outside. They were talking about a young father, a young mother, and a precious 3-year-old child who were on the plane that brought down the second Twin Towers.

They talk about Peter Hanson, his wife Sue Kim, and their daughter Christine. They talked about the father and the mother, and then they had the nursery school teachers where their 3-year-old child attended school, speak about precious Christine. They ended by asking us to hold hands and sing Christine's favorite song, ''The Barney Song.''

When I left, Peter's parents wanted to see me and said, ''This can't be about anger and hate.'' They were sweetly telling me about what it couldn't be, and I was thinking I needed to comfort them.

On this day, September 11th, I think of a family, Neal and Jean Coleman, and with their only remaining son, who the next day were saying goodbye to their two sons who perished, Scott and Keith. It was a candlelight vigil, and they were talking about their beautiful young sons who had so much to live for. When the service was over, the parents insisted on seeing me. They said to me the same thing, the exact same thing, the Hansons had said ''This can't be about anger and hate.''

I think about Beverly Eckert, who met her husband years ago in junior high school, Sean Rooney. She called him on the phone because she thought he might be in one of the Twin Towers, and he was. He told her, ''Honey, I can't get out of the building.'' And she said, ''Go upstairs. Go to the top and you get to the observation floor and be rescued.'' So she spoke to him as he went to the top floor but the door was locked. She spoke to her husband for more than a half an hour knowing it was the last time they would ever speak, and said goodbye to him as the building collapsed.

Well, we know it can't be about anger and hate, but it is a wake-up call. There is more than one inconvenient truth that confronts us. The one the 9/11 Commission talks about, Islamic terrorists, who would do us harm at home and abroad.

We are confronting Islamic terrorists in Iraq and in Afghanistan, in Europe, in Asia, in North and South America. We are confronting them not out of anger and hate, but with the steely resolve that Americans are known for.

God bless the 9/11 families. God bless those who tried to save them. God bless all who live in this great country. We will prevail!

Mr. ACKERMAN. I am pleased to yield 2 minutes to a member of the Committee on Financial Services, the gentleman from Indiana (Mr. CARSON).

Mr. CARSON of Indiana. Madam Speaker, I come to the floor today with a heavy heart as we remember and pay our respects to those brave Americans we lost in the September 11 terrorist attacks.

But Madam Speaker, I also come to the floor today with a feeling of resilience and determination, a resilience and determination that says we must remain vigilant in dismantling those terrorist networks intent on doing us harm; a resilience and determination that mandates that we give our intelligence agencies the resources they need to neutralize these rogue organizations that target our citizens and threaten the security of our homeland.

Having served as a police officer and a supervising watch officer with the Intelligence Fusion Center at the Indiana Department of Homeland Security, I know firsthand about the security threats facing our Nation. And in order to successfully combat these threats, it is going to take a sustained and concerted effort from all of us. Therefore, it is my hope that we use this anniversary, Madam Speaker, as an opportunity to remember our fallen brethren, but also to reaffirm our commitment to protecting our citizens and our homeland.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN),

ranking member of the Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies, because over 700 people from New Jersey lost their lives on this day 7 years ago.

Mr. FRELINGHUYSEN. Madam Speaker, even after the remarkably emotional ceremonies on the House steps and at the Pentagon this morning, it is still hard to believe that 7 years have passed since tragedy struck in lower Manhattan and in the fields of Pennsylvania and at the Pentagon. It seems like only yesterday. In that time, we have mourned the loss of so many innocent people, learned many lessons, and have become stronger as a Nation.

The events of that day demonstrated the truest form of evil our Nation has encountered, but in the face of that evil, good arose. Firefighters, police and EMS personnel rushed to the scene in lower Manhattan and at the other sites. They saw a danger in front of them, but were determined to help those inside the Towers. Strangers helped each other out of the buildings knowing the risks they faced; neighbors and friends consoled one another; and we saw Americans from all walks of life stand united side by side, waiving the stars and stripes and lighting candles to honor those loved ones missing or lost.

Others gave in other ways, giving blood, donating to charity, or volunteering across our country. The best America has to offer was brought out by those terrible events of that fateful day. And we made a promise that morning that we would never forget, and we won't.

We are here this afternoon honoring those lost and remembering the sacrifices of those who serve us. We have not forgotten, and we never will. Seven years later, we remember and we gather. We remember those lost on September 11, 2001; 3,000 Americans, 700 from my home State, and people from more than 80 other countries around the world.

□ 1415

That morning too many of our friends and neighbors left for work, never to return home again. There is no doubt about it: The character and resolve of America is still strong. Let us take this time to honor and remember those whom we lost that day.

God bless you, those we lost, and God bless the United States of America.

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent to extend debate time by an additional 20 minutes, equally divided.

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

There was no objection.

Mr. ACKERMAN. Madam Speaker, it is now my pleasure to recognize for 2 minutes a very distinguished Member from Long Island, a member of the Committee on Appropriations (Mr. ISRAEL).

Mr. ISRAEL. I thank my good friend and colleague and neighbor, Mr. ACKERMAN.

Madam Speaker, 7 years ago, they say, changed everything. There were more funerals than we thought were imaginable, more tears, more despair, more a sense of loss. But there were also more flags in this country than ever, more pride and more unity.

I remember how the people of my congressional district responded. I remember the vigil at Heckscher Park in Huntington, the elementary students at the Idle Hour School in Oakdale planting a garden, the thousands of people who converged on Cow Harbor Park in Northport, the candlelight vigils in Commack including one that will be held this evening. I remember attending a recovery workers conference several months after the attacks on 9/11 and speaking to a gentleman who in very painful breaths and labored breathing said to me, ''Congressman, I'm not sure I am going to survive what I did. Will you take care of my family?'' I remember the Viggianos and the Downeys and the Murphys and over a hundred other families who lost somebody on that day.

It is important to remember these things, but it's also important to act. They need not only our commemoration, they need our health care. They need our continued moral support. They need our continued support in every sense of the word.

We remember these things, and we also remember those who did us great harm that day. Those who continue to live in caves in Pakistan and Afghanistan. We will not forget them either, and we support the courage and the bravery of those in the military who continue to pursue them.

Madam Speaker, I would make one other point, and that is this: Earlier today we assembled as Republicans and Democrats on the steps of the Capitol and sang ''God Bless America.'' We did the same thing on 9/11 hours after the attack. I hope that we will remember the unity that we displayed on that dreadful day and the unity that we displayed several hours ago and continue to work together to move our country forward, not just in the memory of those who perished and those who suffered on 9/11, but to make this country a better place for them.

God bless them. God bless America.

Ms. ROS-LEHTINEN. Madam Speaker, at this time I would like to yield 2 minutes to the gentleman from New York (Mr. FOSSELLA), a member of the Committee on Energy and Commerce.

Mr. FOSSELLA. I thank the gentlewoman for yielding.

Madam Speaker, it's been suggested that September 11 was a tragic day. Indeed it was. But the reality is there were thousands of individual tragedies that occurred.

Time has given us the perspective to look back and understand what really happened. It has given us the ability to look back and see how individual families have dealt with their loss. Staten Island and Brooklyn alone lost more than 300 people. If you go drive around the streets of Staten Island today, you will see street names with the names of those lost on September 11 as a constant reminder of the extent of the carnage and the damage.

I have been to memorial runs. I've seen scholarships offered in the names of the deceased. I've seen families try to tell their young children, who are probably too young at the time to understand, what it meant when Daddy wasn't coming home anymore, when Mom wasn't coming home. These children are at an age now that they can begin to appreciate that they'll never have a dad again. There were hundreds of them on Staten Island alone and thousands across the country of young children who lost their fathers and lost their mothers.

The role we have here is very simple, I think. That is to protect the American people and to ensure an attack like that never happens again. The most powerful way we can memorialize September 11, and as our own private thoughts and prayers and to offer to extend a helping hand to those in need, but as Members of Congress I think we have a solemn responsibility and duty to stand up against the evil, against our true enemies who want not to just destroy this country but our way of life, and forever may we remember those who paid so dearly with their lives on September 11, 2001.

Mr. ACKERMAN. Madam Speaker, I am very pleased now to yield 2 minutes to the distinguished chairwoman of the Subcommittee on State and Foreign Operations, the distinguished NITA LOWEY.

Mrs. LOWEY. Madam Speaker, today is a solemn day for New Yorkers and all Americans as we remember the men, women, children who lost their lives 7 years ago on September 11, 2001. For many of us the wounds of that terrible day are still raw, as are the reminders that are now woven into our daily lives. The pain associated with the loss of loved ones, the still incomplete skyline of Manhattan, the terror alerts, the checkpoints, the baggage searches and the war.

The attacks of September 11 were intended to strike at the heart of our country, our values, and our way of life. In spite of this incredible act of hatred and violence, however, Americans remain united not only in our resolve to defeat those who want to do us harm but in our unwavering support for our Armed Forces, first responders, and the intelligence community who have answered the call to protect us at home and abroad. It is in this spirit that we remain committed to honoring the memories of all who lost their lives on that horrible day and commending those who continue to risk their lives since then to bolster our homeland security, protect our ideals and values, keep our communities safe, and ensure that America never again experiences such an evil act of violence on our soil.

Thank you, Mr. ACKERMAN, for sponsoring this resolution, and God bless America.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT), an esteemed member of our Committee on Foreign Affairs.

Mr. BARRETT of South Carolina. Madam Speaker, today we remember all those lost on September 11, 2001, a day that changed America forever. No American will ever forget where they were on that fateful morning as the images began to flash across the television screens. September 11, 2001 shook us to our core. And while our hearts broke, our spirits did not. In fact, Madam Speaker, they grew stronger. My thoughts and prayers are with the families and friends of those innocent individuals who died on that fateful morning. Seven years later lessons have been learned. Our security, intelligence capabilities, and our intergovernmental communications have all improved, but we must always remain vigilant.

On this day also, Madam Speaker, I would like to pay tribute to our Armed Forces who have answered the call of service after 9/11. Their dedication and sacrifice cannot be overlooked. Every day we live in peace and freedom we owe to them. The passage of time will heal the scars from September 11, but we will never forget.

Mr. ACKERMAN. Madam Speaker, I am pleased to yield 2 minutes to the member of the Committee on Appropriations, the distinguished gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the distinguished chairman for yielding and congratulate Congressman ACKERMAN on this resolution.

Madam Speaker, I rise in support today on the anniversary of 9/11, 2001, and to pay tribute to the over 3,000 Americans who lost their lives in New York, at the Pentagon, and in Pennsylvania.

Let me remember that day through the life of one man, a retired air traffic controller, Mr. John Werth, a constituent who was on duty that day at the Major Air Control Center located in Oberlin, Ohio, in our Ninth Congressional District of Ohio. His professionalism and attention to duty that terrible day saved hundreds, literally thousands of lives, though in the end he was not able to prevent the crash of United flight 93, which went down over Shanksville, Pennsylvania, and in which 40 of the lives lost that day remain forever in our memory.

In today's issue of USA Today, which I shall include in the RECORD, Mr. Werth's photo and story appear on the front page. It is appropriate that after all these years some of the heroic stories of that day become more fully available to the public. Mr. Werth's clearheaded efforts, under great pressure and amid great national confusion, diverted aircraft away from the highjacked plane, saving lives. As professional air traffic controllers in the employ of the Government of the United States, he and his colleagues worked hand in hand with our military to do the best they could under the most trying of circumstances. His three decades of experience served America well and cannot be overstated. He, and I know his colleagues across our Nation, acted with courage and dispatch. And we all respect them deeply. They carry with them in their memories of that day the transmissions from those cockpits. There is no question he and his colleagues literally saved thousands of lives by safely landing thousands of flights across this country. They avoided midair collisions and, for their grace under pressure, deserve every recognition and medal of honor the American people can bestow. They hold our admiration, they hold our gratitude, and they hold our respect for their patriotism and attention to duty. We are forever indebted to them.

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

Mr. ACKERMAN. I yield the gentlewoman an additional 15 seconds.

Ms. KAPTUR. I thank the gentleman very much.

On behalf of the American people and certainly the citizens of Ohio who remain extremely proud of John Werth and his colleagues and his air controller associates across our country, please let the record show we extend our abiding thanks on this historic day. We extend our deep remembrances to the families and communities still affected. And we ask God to bless America and help us lead the world to a more peaceful day.

[From USA Today, Sept. 11, 2008]

7 YEARS LATER, THE TERROR IS STILL VIVID

(By Alan Levin)

OBERLIN, OHIO—He spent most of his life controlling airplanes. But on this day seven years ago, United Flight 93 was beyond control.

Cleveland Center air-traffic controller John Werth had never heard anything like it—the sounds of an animalistic struggle crackling over his radio. He heard screaming, hollering and two guttural groans coming from the cockpit.

The horror of one of the four 9/11 suicide hijackings was playing out, Werth tells USA Today in his first public recounting of the day that forever changed America.

''I lost 40 people that day,'' Werth says of the desperate efforts he and his colleagues made to communicate with Flight 93 and keep other planes away from it until the jet crashed in a rural Pennsylvania field.

Today, the story of that flight is well known—in books, movies and tales of heroism about the passengers who tried to retake the jet from four al-Qaeda terrorists, and probably prevented an attack on the White House or U.S. Capitol. For Werth, it's been a vivid—if largely private—reality. He was there. He heard it all.

Werth's account provides new details about what happened as the hijacking unfolded and how the chaos in the skies caused alarm and confusion for controllers and national security forces.

For seven years, Werth, 61, hasn't told his story publicly, initially because he was not allowed to because of a government subpoena related to the prosecution of al-Qaeda operative Zacarias Moussaoui, and later because Werth didn't want the attention. Now, Werth's ready to discuss it and set the record straight.

It was Werth who heard the transmission from Flight 93 that suggested a bomb was aboard. The transmission, in a thick accent and broken English, likely was from hijacker pilot Ziad Jarrah, the 9/11 Commission determined later.

The bomb was apparently a bluff, a threat the hijackers used to try to control the passengers.

At the time, Werth says, it created a new level of alarm among the controllers clearing other planes out of the wayward path of Flight 93, which had departed from Newark, N.J., that morning and flown into Ohio before making a U-turn toward Washington.

What if, Werth wondered, the hijackers had a bomb—maybe even a nuclear device? How far would Werth have to keep other jets from a nuclear bomb's shock wave? Twenty miles? Thirty?

Every time Werth turned other planes away from Flight 93, the hijacked jet seemed to surge toward them, he recalls, raising questions about what the hijackers were trying to do. At the time, he knew that some passenger jets were missing and that one had hit a World Trade Center tower in New York.

''I'm saying, 'What is he doing?' '' Werth recalls. '' 'Is this about a midair collision.' '' an attempt to ram another passenger jet with Flight 93?

All the while, uncertainty gripped the nation—and Cleveland Center, which oversees a wide swath of the nation's skies between Chicago and New York.

''SOMETHING WAS REALLY OFF''

That morning began routinely for Werth as he sat in front of his radar screen and radio, surrounded by maps and computers. Soon, the news began trickling down to him.

Two jets were ''lost'' over New York. Someone said a small plane (actually a jet, it turned out) had hit the World Trade Center in New York. A supervisor told him to try to contact American Airlines Flight 77, which had gone missing over Kentucky.

''That's when I knew something was really off,'' he says.

He was also told to keep an eye on Delta Air Lines Flight 1989, which had taken off from Boston. Amid the confusion, controllers in Boston worried it was connected to the jets missing in New York. Those jets, American Airlines Flight 11 and United 175, also had departed from Boston.

Finally came word that a second plane, a large jet, had hit New York's twin towers.

The pilots of Flight 93, headed west to San Francisco from Newark, arrived at 9:24 a.m. in Werth's control sector, a roughly 100-by-100-mile patch in the Cleveland area that handles only high-altitude traffic. The Boeing 757 carried seven crewmembers and 37 passengers, including the four hijackers. Within four minutes of arriving in Werth's sector, according to the 9/11 Commission Report and other government documents, the hijackers had launched a violent takeover of the jet.

During the struggle, one of the pilots tried to make a distress call or inadvertently switched on the radio's microphone, allowing Werth and other planes in the area to overhear what was happening aboard Flight 93.

Werth says most of the sounds of the struggle were unintelligible. There were screams and groans. Werth recalls turning to another controller. ''I looked at him and said, 'Dave, did that sound the same to you as it did to me?' He just kind of looked at me wide-eyed and nodded.''

He knew another flight was probably under attach, but which one? ''Somebody call Cleveland?'' he radioed. No one replied.

Thirty-three seconds later came a second broadcast from the cockpit. It also had the sounds of a struggle, but this time Werth made out a few words: ''Get out of here. Get out of here.''

About that time, Flight 93 descended about 700 feet. By then, Werth was pretty sure the flight had been hijacked. What were the hijackers up to? Why do they want to be over Cleveland? Why are they this far west? I thought at first, well, you've got the Sears Tower (in Chicago) straight west,'' he says.

There were no procedures or training exercises for such an emergency, Werth says, so he made it up as he went along. He asked other crews whether they had heard the scuffle over the radio. When they replied, he knew they were still OK.

The hijacked jet became erratic. It sped up and started gaining on another United flight. Werth commanded the second jet to turn right. Seconds later, Fight 93 turned to the right, too.

Minutes later, as Flight 93 climbed from 35,000 to 41,000 feet, Werth told Delta Fight 1989 to turn right to clear it away from the hijacked jet. Then Flight 93 made a 180-degree turn back toward the east, forcing Werth to move the Delta flight back out of the way. ''Delta 89, we're gonna go the other way,'' he radioed.

As Flight 93 passed over Akron, headed by that time in the direction of Washington, Werth heard a supervisor call out that a jet had just struck the Pentagon.

''IT'S THE DELTA!''

Before United 93 had even checked in with Werth, a supervisor had asked him to watch Delta 1989, a westbound flight from Boston to Los Angeles. It was 60 miles east of his sector, flying behind the United jet.

Werth has never been sure who called the facility to warn about the flight or why, and other accounts have been murky. The flight was a Boeing 767 like two other hijacked flights out of Boston. It would have been logical to suspect that it, too, might have been a target.

As Werth struggled to keep other jets away from United 93, he had to turn the Delta flight several times. The pilots responded normally. He couldn't be sure of anything that day, but it seemed a safe bet that the Delta flight hadn't been hijacked.

However, someone in the military seemed to have mixed up the Delta flight with the hijacked jet. A supervisor rushed up to Werth and said, ''It's the Delta, it's the Delta!'' Werth recalls. She told him that a military liaison on the phone had confirmed that the Delta jet was hijacked.

Werth told her he was pretty sure United 93 had been hijacked, not the Delta one. A few moments later, she came back.

''He's fine—at least for now,'' Werth told her.

After consulting again on the phone, she returned again. ''They said it's a confirmed hijack and a bomb threat,'' she told him. It was United 93 that had made the bomb threats, Werth thought. That convinced him they had to be confusing the two flights.

''Tell them they're full of it!'' Werth says he replied. ''I thought, 'God, don't (have military jets that were being scrambled) go after the wrong plane.' ''

At 9:44 a.m., the Delta pilots requested a change of course from Werth. The same concerns about their safety had been passed on to the company, and dispatchers had ordered it to land as soon as possible in Cleveland.

As it turned out, the military was in no position to shoot down Delta 1989, but Werth didn't know that. He followed the flight on radar until it landed safely.

Fight 93 didn't make another radio transmission after 9:39 a.m.Werth watched on radar as the jet crashed near Shanksville, Pa., at 10:03.

A BOND WITH FLIGHT 93

Werth retired in 2003 without ever having made an air-traffic error during his 32-year tenure, according to the Federal Aviation Administration, a remarkable record in an era when computers automatically track when planes get too close together.

He says he has focused his life on his wife, Mary Kay, and his passion, golf. He says he has watched with occasional outrage as he has been portrayed in movies and books about 9/11 by people who had never spoken to him.

Today, he will attend a memorial service in Shanksville for the crew and passengers of Flight 93.He's not sentimental or emotional about that day, but he feels a bond with the victims.

''It's hard, when you're a controller, to lose an aircraft,'' he says. ''When there is absolutely nothing you can do and you're not in control, it's doubly hard.''

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. JORDAN), a member of the Judiciary Committee.

Mr. JORDAN of Ohio. Madam Speaker, I rise today to join my colleagues in strong support of this important resolution. Today we pause to remember nearly 3,000 who were killed, and thousands more who were injured, on that fateful morning 7 years ago. We remember the unspeakable evil we saw that morning, the terror that confronted us on our own shores. But we also remember the heroism of countless ordinary Americans who did extraordinary things that tragic day and in the weeks and months that followed.

Like the firefighters, paramedics, police officers, and other first responders who rushed into crumbling burning buildings, risking and giving their lives to do their duty and to save others, and, of course, the millions of Americans who gathered in church to pray, in communities centers and schools to organize relief for victims, and lined up around the corners to give blood. When evil confronted America that day, we did not flinch, we did not back down, and we did not surrender.

In the 7 years that have passed since that day, our Nation has remained on offense against the threat of radical Islamic extremism. It is a struggle that will define our generation and shape the next American century. We did not choose this battle, but we will meet it, as Americans always have, and we must be victorious.

I would again like to express my gratitude to the United States Armed Forces. Hundreds of thousands of soldiers, sailors, airmen, and marines have answered the call of their country in her hour of need. They and their families have made countless sacrifices. Over 4,500 have given what President Lincoln called the fullest measure of devotion to their country. As long as this threat exists and Americans troops are deployed in harm's way, they must have the full support of this Congress. On this day when we look back and remember, let us gain strength from the examples of bravery and courage we have seen over the last 7 years. We must honor the legacy of the fallen and stand united against the continued threats to our country.

I ask my colleagues to join me in renewing our commitment to these principles that have made us the home of the brave and will continue to keep us the home of the free.

Mr. ACKERMAN. Madam Speaker, I am pleased to yield 2 minutes to the chairman of the Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs, the distinguished gentleman from New York's 19th Congressional District.

□ 1430

Mr. HALL of New York. While the terrorists were able to destroy the World Trade Towers in New York City, and damage the Pentagon on September 11, 2001, they did not take into account the indomitable American spirit.

My most lasting image of that day is not planes flying into buildings or towers collapsing. I remember the people—firefighters, police officers, EMTs, ordinary men and women—doing everything in their power to help. I think of all the people who rushed downtown, without regard to their own safety, determined to do what they could do for others. They clearly demonstrated to our enemies that our spirit cannot be broken and that we are determined to confront any threat to our national security.

The United States will never give in to terrorism and we will never shirk from our duty to defend our country and the principles for which it stands.

I urge all Americans to honor those who lost their lives on September 11, and to commit ourselves to whatever sacrifices it may take to prevent such an attack from taking place again.

Also, I'd like to especially recognize a constituent and friend, named Jay Winuk, the founder of MyGoodDeed.org, an organization he created to further honor the victims, families, and survivors of September 11, by encouraging the government to recognize that day as a national day of community service, and to encourage people to perform good deeds to mark the date.

Jay's brother, Glenn Winuk, was a volunteer firefighter and attorney working at a Manhattan law firm on 9/11. He lost his life at the World Trade Center after helping to evacuate everyone from his office, and then rushing back into the South Tower, looking for others to save. When he was last seen alive, Glenn was helping people escape the tower and reach safety.

Many rescue and recovery workers volunteered their time and efforts in the hours and days following the attack. Jay has found a unique and touching way of honoring all their efforts and ensuring that the heroes of that day are not forgotten. Through the work of citizens like Glenn and Jay Winuk, this country remains as great

and as powerful as it is, and we should all recognize and remember them, and all those who lost their lives, or whose lives were forever changed on that day.

Ms. ROS-LEHTINEN. I'm pleased to yield 2 minutes to a member of the Committee on Homeland Security and the ranking member of its Subcommittee on Transportation Security and Infrastructure Protection, the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentlelady for yielding.

Madam Speaker, 7 years ago, September 11, 2001, a day that will live in infamy, we suffered as a Nation the greatest attack on our shores since a similar day some six decades previous. That dastardly attack resulted in a unification of this country such as we had not seen before. Similarly, the attack some 7 years ago brought a unity to this Nation that we have been lacking for some period of time. In the ensuing days and years, we have seen remarkable selfless dedication to serve by men and women in uniform in our Armed Forces, and those who are serving us, even to this point, as our first responders.

So we have to ask, much as Lincoln asked at his famous address at Gettysburg, recognizing that we cannot consecrate the grounds that were attacked more than they have been consecrated by the sacrifices of our fellow citizens, what can we do to fulfill our obligation?

I would just say this. The best way we can maintain our commitment to those who sacrificed and those who have suffered, and still suffer, is to recognize the continuation of the threat against us, the urgency of the matter before us, and the fact that we cannot in any way lag in our responsibility to respond to that threat.

There's a great temptation because we have not been so attacked in the last 7 years to believe it just has happened. But we have been able to forestall attacks because of tremendous sacrifice by many men and women serving on behalf of this Nation, who continue to serve.

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

Ms. ROS-LEHTINEN. I'm pleased to yield the gentleman such additional time as he may consume.

Mr. DANIEL E. LUNGREN of California. It would be the height of tragedy, Madam Speaker, if we were to fail to back up the commitment by those who have sacrificed thus far by accepting their sacrifice as something which is a matter-of-fact circumstance. No. The only way we can honor their lives and their sacrifice is by ensuring that we maintain vigilance daily.

We take an oath to uphold the Constitution, but we take an oath beyond that. We take an oath to uphold the greatness of our fellow citizens. I would hope that we would dedicate ourselves to understand, with all the other things we have to do as Members of Congress, that our first and foremost responsibility is to create the security within which American citizens can exercise their freedoms.

And so my plea and my prayer today is that we don't accept the successes of the last 7 years as inevitable, but we understand that they have been hard fought, and that we need to continue that fight.

I thank you for the time.

Ms. ROS-LEHTINEN. Madam Speaker, we have no further requests for time. I yield back the balance of our time.

Mr. ACKERMAN. I'm pleased to yield 3 minutes to the distinguished gentleman from West Virginia, chairman of the Committee on Natural Resources, representing the Third Congressional District of that State, Chairman RAHALL.

Mr. RAHALL. I thank the distinguished gentleman from New York for yielding me this time.

Madam Speaker, I rise with all Americans, and indeed with most of the civilized world, in marking the seventh anniversary of the 9/11 attacks, and in doing so, remember the thousands of innocent Americans who lost their lives that day, and extend the Nation's highest prayers to their families, friends, and loved ones. I thank God for the freedom which Americans enjoy, a freedom for which American lives were lost.

Like so many of my colleagues, I attended a dedication ceremony this morning of the 9/11 Memorial at the Pentagon, where I joined Huntington, West Virginia, residents Dr. Ken and Sharon Ambrose, whose son, Dr. Paul Ambrose, was one of the 184 lives lost in the Pentagon on that American Airlines Flight 77 during that fateful day of September 11, 2001.

Indeed, Dr. Paul Ambrose was the first name called this morning when the bells were rung for each of the victims at the Pentagon. The viewing of his memorial, so beautifully etched in the grounds of the Pentagon, will truly bless his memory eternally.

This ceremony and countless others around the Nation today continue to remind us that freedom does not come free. Thousands of Americans—first responders, military service, and Guard members, law enforcement personnel, medical personnel, volunteers—continue this very day to devote themselves day in and day out to protecting the innocent in times of disaster and tragedy, risking their own lives to do so.

Over the last 7 years, thousands of Americans, both in and out of government, have worked tirelessly to improve the security of our Nation. Much progress has been made, but more work remains to be done. Our number one duties as Members of Congress, of course, are to protect the people of this country and to ensure that such a terrible tragedy never happens again. As we move forward, we all will work hard to continue to keep our homeland secure and to seek out and defeat terrorist organizations around the world.

I thank the gentleman again for yielding.

Mr. ACKERMAN. Madam Speaker, it is now my pleasure to yield 1 minute to the Speaker of the House.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 1 minute.

Ms. PELOSI. Thank you, Madam Speaker. I thank the gentleman for yielding. I thank him for his leadership in giving us this opportunity today, on September 11, to express our gratitude to our first responders, our sympathy to the families of 9/11, and our concern for the safety of the American people. I acknowledge his leadership role in this from his committee standpoint, but as a New Yorker who knows firsthand the horror of 9/11. So, thank you, Mr. ACKERMAN, for your leadership and for your commitment on this issue. I also thank Congresswoman ROS-LEHTINEN for her leadership in bringing this to the floor as well.

When Abraham Lincoln was a very young man, not 30 years old, he made a speech in 1838, and in it he was talking about the history of our country and important events and how sometimes they are lost in the public memory. He referred to the ''silent artillery of time,'' sometimes referenced as ''harsh artillery of time,'' but nonetheless, the artillery of time to dull the memory of important events.

Certainly, that is a gift if the artillery of time dulls the pain of a terrible loss. But there's no artillery powerful enough to dull the memory of 9/11, what it did to our country, what it attempted to do to our country.

The courage of the families of 9/11, who turned their grief into strength, and arguing for better policy in terms of the 9/11 Commission and the enactment of its recommendations to make America safer, their grief through strength to action, has made America safer. We have more to do.

The silent artillery of time will never diminish the appreciation or the memory of the courage of our first responders, our police, our firemen, our emergency services people, the construction workers, who went in right away, risking their lives, so that they could save other lives. Some of them lost their lives.

The silent artillery of time will never, never dull the act of cowardice on the part of these terrorists. They don't care about life or buildings. They do care about instilling fear. That is their goal, the terrorists, to instill terror.

But they did not succeed in that regard, because New York rallied. This morning, we were at the Pentagon to see the families there, and their spirit, as the Pentagon Memorial was dedicated, and referencing what happened in Pennsylvania. The indomitable spirit of the American people is too strong a force for the terrorists to succeed with.

So, again, the silent artillery of time will never, ever have us forget what happened to our country on that day, and the hatred and cowardice that inspired it.

So, here we are today, 7 years later, saying once again to the families how sorry we are, thanking them for their courage, hoping for the best for them for their children and the future. Here we are today, 7 years later, saying to the first responders, Thank you very much.

But, as some others have said here, words are not enough. There are ways that we can put into action our appreciation, and that is to recognize the health needs of those who responded on that day and whose health problems linger to this day, and some that we won't even know about into the future.

We will never forget, no matter what, what they did to minimize the toll, the death toll that might have been. We always remember because we have constant reminders of it, as well the courage of these people on a day-to-day basis still across America keeping us safe.

On this day, it drives home what we always know, that our first responsibility as elected officials is to protect the American people, make them safe in their homes, neighborhoods, towns, and communities, and ensure their national security. That is something that we must do, working together, so that we can meet any threat to our security, wherever it may occur.

In that spirit, I want to acknowledge also the courage, patriotism, and sacrifice of our men and women in uniform and their sacrifices that they are making, and that their families are making, to keep America safe.

So with all the respect in the world for President Lincoln when he was a young man, talking about the silent artillery of time, his message reminds us that, again, time may lessen pain, but it will never diminish our memory of what happened on 9/11, the courage that followed, and the responsibility we have to keep the American people safe.

God bless those families. They have done so much for our country, fresh off their tragedy. God bless those families. With their courage, God truly blessed America.

□ 1445

Mr. ACKERMAN. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 7¼ minutes.

Mr. ACKERMAN. Madam Speaker, a very thoughtful general once observed that the loss of 1,000 lives is a statistic, but the loss of one life was a tragedy. There were thousands of tragedies that occurred 7 years ago today. I want to talk about one of them.

It was a very long week here in Washington, that week of 9/11. It took three or four times the usual time for me to get back to New York. It was late at night. I was able to get a cab in New York to take me down to the World Trade Center, to the pier where they had set up all of the emergency work. I went there at that hour to find my wife, who was a mental health worker, one of those people who were asked to come down and volunteer.

As I waited for her to do the things that she and so many other people were doing, I walked around. There was a long, huge wall with pictures on 8½ by 11, on napkins, on flyers that were drawn up, people who had pictures of their loved ones, their husbands, their wives, their children, if anybody saw them.

There were firemen walking around trying to console women who did not know yet if they were widows.

There were little dolls alongside the wall on the floor stretching for two blocks along this pier. They all had notes on them. They were from children who suffered the loss of parents in the Murrah Building disaster. And these notes all said things like, ''When I was in trouble and frightened, someone gave me this doll to make me feel better. I send it to you and hope that you feel better.''

A fire chief came over to me and asked me if I would go over and just stand by this gentleman who was all alone at the wall. It was probably midnight. And this fellow in unique garb, he was a Hassidic Jew, dressed in the traditional big brim black hat, looking very much like the Amish do with the long black coat, he stood in front of one flyer without blinking. The only thing he did was move back and forth, back and forth, staring at this picture.

I just stood next to him. And after a minute he spoke to me, without even looking at me, just staring at the picture on this flyer that looked like a younger version of himself, and he said, ''That was my brother.'' He, I was told, was there every night doing this. ''He was my brother. He called me to say good-bye.''

''I told him,'' he said, ''that he had to get out of that building. He had to get out right away.'' And he said to me, ''I'm sitting holding hands with the young man who works in the cubicle next to mine, a young Puerto Rican kid who lives in a wheelchair, and there is no way for him to get out of this building. I told him he would not die alone, and I am just calling to say good-bye.''

There is nothing anyone could say, nothing I could say. I just stood there.

There are thousands of stories, there are thousands of lives, there are tens of thousands of people who were immediately impacted by relatives who died that day, who are heroes as well, some of whom knowingly, some of whom unknowingly went to their deaths, in addition to all of those who rushed into the building to save those that they could.

As we remember the first responders, as we remember the people who dug in that pile for so many days and weeks and months, risking their own lives, putting their health at risk and danger, as we know today, an issue that still has to be addressed, we remember also those who caused all of that anguish and pain, all of those thousands of tragedies, who changed history in that one incident, and rededicate ourselves to not being only strong, but smart, as we confront those threats and honor the memory of all those who were lost and all those who tried to help on that day.

Mr. SOUDER. Madam Speaker, it has been 7 years since the terrorist attacks that took the lives of over 3,000 men, women, and children. I join with my colleagues to offer sincere condolences to the families of the victims. We must never forget these tragic events; they have left a wound that will never heal.

I also rise to remember and honor the first responders who acted with bravery and heroism on that day and during the recovery period. During one of the worst tragedies our Nation has faced, we witnessed the most remarkable acts of self-sacrifice, courage, and compassion. It is a testament to the American spirit.

Since 9/11, we have taken steps to help anticipate and deter future attacks and prepare for a quick and effective response following an emergency. One benchmark of the progress made is the absence of further acts of terrorism on U.S. soil during the past 7 years. This has not been an accident.

The men and women serving in our Nation's Armed Forces are pursuing terrorists overseas and warrant our utmost respect and appreciation for their faithful service. Additionally, the 216,000 employees of the Department of Homeland Security deserve our gratitude for their efforts 24 hours a day, 7 days a week, to gather and analyze intelligence, coordinate with State and local law enforcement, harden our borders, secure our transportation systems, and enforce the laws.

We all recognize that our foes are extremely determined and patient; even now they are looking to exploit our open and free society to carry out additional attacks. Our resolve must be even stronger to detect, deter, and respond. There is much more work to do to bolster our security and counter changing threats.

Today is a day to renew our commitment to improve our intelligence capabilities, secure our borders, support our first responders in communities large and small, and intensify our vigilance.

While the attacks occurred in New York, Washington, DC, and Pennsylvania, the Nation felt the reverberations and stood together in unprecedented unity. I urge my colleagues to put aside partisan differences and make the security of our Nation and the well-being of our military personnel fighting the war on terrorism top priorities.

Mr. HOLT. Madam Speaker, this is the day we pause and remember those who lost their lives on that terrible day 7 years ago. We also remember the heroism of the first responders, and of those who fought back against terrorists—people like the late Todd Beamer, a resident of central New Jersey. But even as we look back in sorrow and remembrance, we must also look to the future and remember our obligation to prevent other American families from enduring a similar horror in the future.

We have made progress in making our country more secure since September 11,

2001. A critical piece of legislation was enacted in August 2007 to better protect Americans from terrorism and improve our security. The legislation (H.R. 1) completed the enactment of the recommendations of the bipartisan, independent 9/11 Commission into law. This law requires 100 percent screening of cargo on passenger aircraft within 3 years and 100 percent scanning of seaborne cargo before it gets to U.S. ports within 5 years, ensures that first responders can communicate with each other in an emergency, and improves rail and mass transit security. It is disgraceful that the administration has failed to implement the law, and I will certainly do my part to keep the pressure up until they fully comply.

On the issue of meeting post–9/11 threats, I'm pleased that this Congress has taken steps to secure our rail and transit systems. As we saw with the attacks on rail and mass transit systems in Europe and India over the last few years, transit systems are prime targets. I was pleased to lead the effort last year that secured $400 million in funding for rail and transit security grant programs—$225 million more than President Bush requested in his budget. We still have a long way to go before our rail and transit systems are as safe as they should be, but we are finally moving in the right direction.

Madam Speaker, I support this bill and I urge my colleagues to join me in voting for it.

Mr. KUCINICH. Madam Speaker, we suffer in our remembrance of 9/11, because of the terrible loss of innocent lives on that grim day. We also suffer because 9/11 was seized as an opportunity to run a political agenda, which has set America on a course of the destruction of another nation and the destruction of our own Constitution. And we have become less secure as a result of the warped practice of pursuing peace through the exercise of preemptive military strength.

It is not simply 9/11 that needs to be remembered. We also need to remember the politicization of 9/11 and the polarizing narrative which followed, locking us into endless conflict, a war on terror which has wrought further terror worldwide and which has severely damaged our standing worldwide as an honorable, compassionate nation. As we were all victims of 9/11, so we have become victims of the interpretation of 9/11.

Our Government's external response to 9/11 was to attack a nation which did not attack us. Indeed on the first anniversary of 9/11, the Bush administration issued a well-publicized stern warning to Iraq which was part of a campaign to induce people to believe Iraq had something to do with 9/11.

The deliberate, systematic connection of Iraq with 9/11 has led America into a philosophical and moral cul-de-sac as over 1 million Iraqis and over 4,155 U.S. soldiers have died in a war which will cost over $3 trillion. Additionally, soldiers from 23 other countries have died in the Iraq war.

Last year, I voted against a similar resolution to the one before us today because it ignored the reality of the administration's use of 9/11 as a false justification for war. This year, I will vote for the resolution because I have renewed hope that the day will come when September 11 will no longer symbolize the false justification for an unjustified and unprovoked war.

Over two dozen nations, facing peril within and without, deeply divided by politics and war, have traveled down a path of restoring civil society through a formal process of reconciliation. At some point within each of those countries it was understood that the way forward is shown through the light of truth. This process is not without pain because it requires a willingness to study evidence to which eyes had been averted and ears had been closed. But in the process of truth and reconciliation, nations found new strength, new resolve, new commitment.

The South African Truth and Reconciliation enabled that nation to come to grips with its past through a public confessional, bringing forward those who committed crimes and having the power to grant amnesty for full disclosure of crimes against the people. Of course, our path may necessarily be different: High U.S. government officials stand accused in impeachment petitions of violating national and international law. Our continued existence as a democracy may depend upon how thoroughly we seek the truth. I will call upon the American people to join me in supporting this effort.

The truth can move us forward, as a unified whole, so that we can one day become a re-United States. 9/11 is the day the world changed. It is the day America embraced a metaphor of war. If we are open to truth and reconciliation, we may one day be able, once again, to embrace peace.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, 7 years ago this week I sat in my Tallahassee office feeling scared, angry and sad. Those were some of the first emotions that went through my mind after the terrorist attacks of September 11, 2001.

Like most Americans that day I was struck by the utter hatred toward America that consumed the men flying the planes that crashed into our revered national landmarks. What kind of person is filled with so much hate that they would kill themselves and thousands of innocent people at the same time?

Even today I still struggle to comprehend what drives these people to commit mass murder and try to destroy the political and religious freedoms that millions enjoy around the world.

Since 9/11 the attacks on America and her allies by extremist Islamic jihadists have continued. While you and I don't believe that mass murder achieves anything, there are thousands of young Islamic terrorists who believe in jihad and the reestablishment of the Muslim caliphate.

Thankfully, due to the vigilance of our troops abroad and the changes to our Nation's security back home, America has been spared further devastation.

Other nations have not been so lucky. British subway commuters were attacked by bomb-wielding terrorists. Spanish trains were bombed by radical Islamic terrorists, killing dozens. A nightclub in Bali was attacked, killing several hundred. Muslim extremists attacked a school in Russia, murdering more than 300, many of them little children. The list goes on and on, in virtually every region of the world.

The fact is that the United States is engaged in a battle with an enemy that is difficult to track and hard to defeat. Unlike World War II or Korea, where we knew what country we were fighting and could identify the enemy by the color of their uniforms, today's battles are a fundamentally different challenge.

It is no longer the nation state declaring war on the United States that we must fear. Instead it is the lone fundamental terrorist with the tools, weapons and willpower to sacrifice his life so that Americans will be killed. All it takes is one dirty nuclear suitcase bomb to destroy an American city like Orlando or Tampa.

That is why it is so important to remember what happened on that fateful September morning 7 years ago. The deaths of 3,000 Americans should never be forgotten. As the years pass, however, some have gotten complacent about our Nation's security and the threat of Islamic terrorists.

Sadly, we must remain ever vigilant, because there are new threats to the United States and her allies unearthed every day. There is no doubt about it, Al-Qaeda and other like-minded terrorist organizations are still plotting to kill Americans and destroy our freedoms and liberties.

September 11, 2001, is a solemn day in our collective memories. While it is a time for remembrance and prayer, it should also remind Americans of the challenges we face to protect our democratic rights and freedoms.

With thousands of American soldiers stationed around the world, this anniversary is a perfect time to say a prayer for their safety and to thank them for defending the memories of those who lost their lives in the terrorist attacks of September 11, 2001.

I hope that you take this opportunity to remember the victims of 9/11 and never forget the sacrifices of those who fight for our freedoms.

Mr. MORAN of Kansas. Madam Speaker, today we mark an event so important to our Nation that it can be identified, simply, by two numbers. The phrase "9/11" bears all of the emotions of that fateful day in 2001. Feelings of shock, helplessness and sorrow are still present 7 years later as our Nation engages its enemies abroad. As Americans, we stand to honor those who lost their lives that day, as well as the brave men and women of the armed services who sacrifice so much to protect us from further attack.

On September 11, 2001, we learned that heroes still exist. Just as those who serve our country are willing to forego life for the benefit of others, the firefighters, police and emergency personnel and those passengers who fought back provided the reassurance that Americans still will give their lives for others and preserve the future of our Nation. The heroes of 9/11 reaffirm that those who served in past battles did not serve in vain. Their examples allowed us a new generation of role models.

As we honor those who lost their lives at the World Trade Center and the Pentagon, we must take this opportunity to recognize them as genuine heroes. The significance of their sacrifice is an incredible reminder of the great responsibility we have as Americans. There is not a U.S. citizen who is not affected by the events of that day. To honor their memory is to honor the sacrifice made by everyone who has laid down their life in defense of freedom.

9/11 marked a coming of age for the world. International terrorism had shown up at our front door and surprised a sleeping world. Though the events of that day will be remembered for the physical devastation that ensued, hope and renewed sense of patriotism will be September 11th's legacy. Our innocence shattered, we made renewed efforts to

keep our homeland safe and our world more secure.

Shortly after the attacks of September 11, I joined a half a dozen members of Congress in visiting New York City and the remains of the World Trade Center. I wanted to express on behalf of all Kansans our support and concern for the victims and their families and to express our condolences.

Just a few feet away from Ground Zero, New Yorkers created a makeshift memorial to those who died in the rubble of the Twin Towers. There, thousands of ordinary people brought cards and flowers as a tribute to those who died. While there, I happened to pick up a white piece of notebook paper, blue lines, jagged edge, torn from a spiral notebook. On that piece of paper was the writing of a child: ''Dear Daddy, How much I miss you. How I hope heaven is a wonderful place and I hope I can live a life good enough to join you there someday. Signed, Amanda, Age 12''.

Amanda, who I will not meet nor ever know, must never be forgotten. Her note to her Dad is a reminder that each generation is called on to preserve our way of life and that the cause is noble. That I, as a member of Congress and we, as American citizens, have a responsibility—there must be no more Amandas.

Thank you for the opportunity to express my gratitude for the heroes we are honoring today. Most importantly, I want to express my gratitude to the people who have made our freedoms a reality. Thank you, and may God bless you.

Mrs. MILLER of Michigan. Madam Speaker, it is difficult to believe that it has been 7 years since that horrific day of September 11, 2001. It is important that today every American take time to pause and reflect upon those who we lost on that day and those whose heroism and bravery vividly showed the indomitable American spirit.

For the last 7 years our Nation has been at war against an enemy that hides in the shadows and preys upon the innocent. An enemy that does not value life or freedom. But that enemy has found that the will of the American people is impossible to defeat. That the vigilance and dedication of those in law enforcement who protect our communities is unending. That the bravery and commitment to the cause of freedom of the American Armed Forces is unmatched in the world.

So on this solemn day it is appropriate to mourn those who were lost. To say a prayer for their memory and for their families. And to give thanks to those who so bravely continue to protect our freedom. May God continue to bless this great Nation.

Mr. BLUMENAUER. Madam Speaker, on the seventh anniversary of the 9/11 terrorist attacks, I join every American in honoring the innocent men, women, and children who lost their lives to those attacks. I pay tribute to their memory, and extend my deepest sympathies to the loved ones they left behind.

I also honor the brave first responders—the firefighters, policemen, and ordinary citizens—who so courageously risked and, in many cases, gave their lives for others.

Over the past seven years, Americans have worked tirelessly to prevent further attacks and protect the American people. The 110th Congress joined them by focusing on keeping our country safe and has wisely implemented the recommendations of the 9/11 Commission. We now have vastly improved security on our rail and public transit systems, more robust screening of aircraft and seaborne cargo, and strengthened law enforcement capabilities.

Those who perpetrated the attacks of September 11, 2001 must be brought to justice. I am determined to see the next administration rectify the grave mismanagement that has allowed many of these terrorists to go unpunished.

We must also acknowledge that today's threats—terrorism, global economic upheaval, worldwide epidemics, and environmental devastation—are nuanced and interconnected and cannot be addressed by military force alone. Protecting our security demands that we cooperate with our neighbors and promote wise governance. We must address global poverty, promote wise stewardship of natural resources, and provide aid to developing and devastated peoples.

It is the first-order duty of Congress to keep Americans safe. As we commemorate the seventh anniversary of 9/11, I join Americans across our Nation in grieving for loved ones lost, and in honoring the heroes among us. I resolve to do all in my power to prevent a tragedy like this from happening again.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H. Res. 1420, a resolution recognizing September 11 as a day of remembrance, extending sympathies to those who lost their lives on September 11, 2001, and their families, honoring the heroic actions of our Nation's first responders and armed forces, and reaffirming the commitment to the defense of the people of the United States against any and all future challenges.

I support this resolution because although seven years have passed since that fateful day, the pain, agony, and sense of loss still endures in the hearts and minds of the American people. As we reflect on the tragic events of 9/11, we can never forget the courage and heroism of the men and women who selflessly reacted to help those that were incapacitated and remember the nearly 3,000 innocent lives that were sacrificed without warning.

This tragedy has left an indelible scar on the Nation's history and has awakened a newfound sense of patriotism and nationalism. This day of remembrance is important and necessary because it reminds us that we must continue to support those that fight abroad to keep our homeland safe.

America must now look forward and do all that it can to ensure the integrity of freedom upon which this country has been founded. We must learn from the aftermath of this catastrophe to respond and react to such disastrous events without inhibiting the civil liberties and freedom of the very people we serve.

Madam Speaker, on September 11, 2001, the Nation watched in horror as the unthinkable occurred. On that faithful day, a ruthless attack had been orchestrated, transforming the World Trade Center Towers and the Pentagon into human infernos that claimed thousands of innocent lives. The tragic events of 9/11 were examples of despicable acts of faceless cowards who have no regard for human life.

Across the United States and around the world, people of all ages and walks of life collectively united during a time of tremendous sorrow and despair. It was an unforgettable day that transformed the lives of many and united Americans in a way this Nation had not seen since World War II.

As I stand here today, my heart remains torn from the gruesome events of that day as I can only imagine what the passengers on flights United Airlines 93, American Airlines 77, American Airlines 11, and United Airlines 175 were thinking of when they found out that they had only moments to live. I must commend the brave souls that did everything to help prevent more lives from being lost. The actions taken by the passengers of flight 93, firefighters, policemen, and first responders can never be forgotten and their service is worthy of great recognition.

I stand here today simply to offer my deepest condolences to the families of the fallen victims and the servicemen and women who sacrificed their own lives to save others. On behalf the 18th Congressional District of Texas, I express my sorrow for the tragic losses in New York, Washington, DC, and Shanksville, Pennsylvania. However, we must also not forget the good that has come about in the midst of a country that harbored many differences.

After the tragic events of 9/11, there was a realization that in those moments of humanity, Americans were able to unite and share the same sense of sorrow and empathy. The people of the United States came together and strengthened its resolve to defend and protect the basic fundamentals of the country. This is what makes our country so great. As the late Dr. Martin Luther King has said, ''Injustice anywhere is a threat to justice everywhere.'' I must also bring to light the overwhelming support of our global community in this time of tragedy.

As we reflect back upon this unfortunate event, we need to also consider the measures we have taken to make America safer. As a member of the Homeland Security Committee and the Committee on Foreign Affairs, it is my duty to bring to the attention of the American people many homeland security initiatives that we have undertaken that have not been successful.

Osama bin Laden has eluded our forces for nearly eight years and the nation's infrastructures and borders are still vulnerable to attacks. Immigration has been an important concern that has resulted from these attacks and the terrorist watch list that the Transportation Security Administration has implemented is apparently inefficient.

Madam Speaker, there are many issues that still need to be addressed in order to secure our nation. It is my sincere hope that we as Democrats, Republicans, and Independents alike will come together to expeditiously resolve these issues and help place the path of this great nation onto a noble path. I have great faith and confidence that we will be able to achieve this soon one day and our differences will be accommodated.

As we move forward, 9/11 is a day that will remain in remembrance. We have understood the meaning of sacrifice through the country's history of rebuilding and positive reform. The United States is the forefront of innovation and has the ability to reflect and learn from past mistakes. I pray for the lives lost on 9/11 and also for the protection of innocent lives from senseless conflicts and war.

I urge all members to join me in supporting H. Res. 1420. This tragic moment can never be forgotten and we need to do all we can in our power to prevent such a travesty from occurring again. We must remember September 11, 2001 to propel this nation and its policies to prevent and prepare itself from future disasters.

Mr. ORTIZ. Madam Speaker, today we mark the seventh anniversary of the 9/11 terrorist attacks, and remember the thousands of innocent men, women and children who lost their lives on that day, and we extend our sympathies to their families, friends, and loved ones.

We also honor the heroic service, actions, and sacrifices of those first responders, law enforcement personnel, volunteers, and others who aided the innocent victims, in many cases sacrificed their own lives.

My personal experiences that day are vivid: going to a press conference in the Capitol at 9:30, moving fast to get out of the building when we saw the reports of smoke at the Pentagon. I went to the Pentagon two days later to thank the emergency workers and was touched by their resolve and strength to rescue their fellow citizens.

Over the last seven years, our Nation worked tirelessly to improve our Nation's security and to protect our people. We thank our men and women who serve in the military and put their lives on the line every day to ensure that we never have to relive those tragic events ever again.

Mr. TIAHRT. Madam Speaker, today is the 7th anniversary of one of the most horrific days in our Nation's history. On September 11, 2001 terrorists attacked the United States and slaughtered our fellow citizens in New York, Pennsylvania and Virginia. Fox News is calling this the ''day that changed America'' but I disagree. America didn't change, instead the evil attacks brought out the best in America.

As terrible events have a tendency to do, the terrorist attacks brought this Nation together. We have mourned together, been angry together, prayed together, indeed come together as Americans not as Southerners or Northerners, Midwesterners or East Coasters. It's an outlook that extends beyond national pride; we acknowledge that we as Americans are all in this together. None of us who were here on that terrible day will forget the spontaneous gathering of Congress on the steps of this great building that survived thanks to the brave men and women of Flight 93. Politics was truly brushed aside as we joined hand in hand, mourning the dead, celebrating the spirit of this great Nation, and vowing to do all we can to protect this Nation and her citizens.

The events of September 11, 2001 did have had a drastic effect on our Nation and the world at large. The focus of the country changed. Today, our Nation's ideas and her people still face a continuing threat from terrorists. Nearly every single day, the intelligence community records another threat or two against America or our interests. Hardly a week goes by that some terrorists somewhere don't reiterate their interest in attacking this great Nation. But our military, first responders and intelligence officers as well as alert citizens have remained vigilant and prevented further attacks.

Today as we remember those who lost their lives on September 11, 2001 and their loved ones, we also take time to honor and thank the thousands of first responders, the myriad aviation personnel from air traffic controllers to pilots and flight attendants who safely grounded planes across the country, and of course the men and women in our military and intelligence communities who have been engaged in a global war on the terrorists for the past seven years. God bless them all and may God continue to bless America.

Mr. KING of New York. Madam Speaker, I rise today to honor the victims and heroes on the seventh anniversary of the terrorist attacks of September 11, 2001. As someone who lost more than 150 friends, neighbors, and constituents on September 11, my heart goes out to the families who lost loved ones. September 11th will forever remain a day of great tragedy for the United States, but it is also one of great triumph, as Americans came together and demonstrated extraordinary heroism, courage, and unity.

We commend the first responders who served on that tragic day and during the many difficult days thereafter. And, we honor those who gave their lives in responding so heroically.

September 11 served as a wake up call for our Nation. In the seven years that have followed, Congress and the Administration have worked with, and on behalf of, law enforcement, first responders, and the Intelligence Community to better secure the United States. Passage of the Homeland Security Act of 2002, the PATRIOT Act, the SAFE Port Act, the Secure Fence Act, the Intelligence Reform and Terrorism Prevention Act, and the Implementing Recommendations of the 9/11 Commission Act of 2007 provided the Department of Homeland Security and the Intelligence Community with the tools they need to secure our Nation.

It is no accident that we have not been attacked since September 11. This is due to a number of reasons, including the dedicated efforts of the employees of the Department of Homeland Security, many of whom serve in the New York metropolitan area.

Make no mistake; we are more secure than we were on September 11, but more needs to be done. We will never forget the lessons of September 11th, and we will continue to work to secure the United States against radical Islamic terrorists who want to do us harm.

Mr. SIRES. Madam Speaker, I rise today in support of H. Res. 1420 recognizing September 11 as a day of remembrance, remembering those who lost their lives on September 11, 2001, and honoring the heroic actions of our Nation's first responders and the Armed Forces.

On that tragic day, I was the Mayor of Jest New York, New Jersey and a member of the State Assembly. My district sits directly across from lower Manhattan and ever since the smoke cleared on 9/11, there has been a visible reminder to me and my constituents of the loss we suffered on that day. Everyday I am at home in West New York, I see the absence in the skyline. It is a constant reminder to me of the great loss our nation suffered on September 11. Hundreds of husbands, wives, parents, friends and neighbors did not return home that night. Many others did return home but still have to bear the burden of their losses everyday.

Madam Speaker, today I want to honor the memories of those we lost seven years ago today and those who lost loved ones. I'd also like to honor our troops that, since September 11, 2001, have been fighting so bravely abroad to protect this great cquntry. We appreciate their sacrifice.

Mr. VAN HOLLEN. Madam Speaker, today we commemorate the seventh anniversary of the most terrible terrorist attack ever on American soil. We remember those who suffered injury and mourn with the families who lost loved ones.

But we also remember the indomitable spirit of America that lit that dark day and the days that followed. The courage of the first responders and ordinary citizens who risked, and in some cases sacrificed, their lives to save others. The men and women of our armed forces who have worked honorably to defend our Nation from future harm. The millions of Americans who volunteered and supported efforts to rebuild New York and Washington and care for those who were injured there.

These individual acts of bravery and sacrifice remind us that even in times of fear and pain, the flame of liberty does not falter. In the face of grave threats, the world can stand together. And with the power of our ideals and the strength of our resolve, we can build a more peaceful world.

Mr. HENSARLING. Madam Speaker, today I rise to recognize the individuals who sacrificed their lives on September 11, 2001 to protect the safety of our citizens and preserve our great Nation's freedom.

The world was forever changed 7 years ago on the morning of September 11. Nearly 3,000 innocent people were murdered at the World Trade Center, the Pentagon, and on a quiet field in Pennsylvania.

While we think back to the massive destruction of that day and mourn the lives lost, we will also never forget the shared spirit of togetherness that followed our sorrow. The countless acts of heroism and bravery on 9/11 gave birth to a dawn of unity and camaraderie.

We must thank our first responders who go to work each day willing to make the ultimate sacrifice to save a complete stranger. We must thank the men and women of our armed forces who defend our freedom and Nation. Because of their sacrifices, our Nation stands tall on the great progress that has been achieved by these brave men and women.

Since September 11, 2001, we have reshaped our homeland's defense and significantly improved our readiness to deal with terrorist attacks. The war on terror is a struggle for freedom unlike any other that our Nation has faced. We must always be as united behind our cause as they are behind theirs.

When America unites to defend the same ideals and virtues that our fathers, grandfathers and generations prior have defended, we know that she will remain a beacon of liberty around the world.

Madam Speaker, on behalf of the Fifth District of Texas, I would like to express my eternal gratitude to the men and women that defended our Nation 7 years ago and to the individuals who continue to protect us at home and abroad.

Mr. MURTHA. Madam Speaker, I rise today to pay tribute to the heroes who died seven years ago today in the World Trade Center, the Pentagon, and in the Congressional district that I represented, Shanksville, Pennsylvania.

On September 11, 2001, I was in the U.S. Capitol, where the subcommittee I now chair was marking up the annual Defense Appropriations Bill. After the order was given to evacuate, I headed back to Pennsylvania. The next day, September 12, 2001, I visited the crash site of United Flight 93 in Shanksville, only 30 miles south of my home. We all owe

a deep debt of gratitude to those heroic passengers who foiled the terrorists' plan and saved the lives of countless Americans working and visiting in the U.S. Capitol.

In our darkest hour, Americans everywhere joined together in acts of bravery, compassion and hope. Our first responders worked round-the-clock to help those in need, and millions of us gave our time and resources to relief organizations like the American Red Cross. In the months following September 11th we found comfort and pride in each other. We were all Americans, and we were determined to move our great Nation forward.

Madam Speaker, our number one duty is to ensure the safety and security of the American people. Our brave men and women in uniform are fighting around the globe so that our children can grow up in a world absent of war and terrorism. We pay tribute to their bravery and to their sacrifice on this anniversary of September 11th, 2001.

Mr. ETHERIDGE. Madam Speaker, I rise in support of House Resolution 1420, expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001. Many of us were here in Washington on that fateful day and knew that our lives had changed forever.

House Resolution 1420 recognizes September 11 as a day of solemn commemoration. This resolution extends our deepest condolences again to the friends, families, and loved ones of the victims of the September 11, 2001 terrorist attacks. H. Res. 420 also honors the heroic service, actions and sacrifices of the first responders, officials and volunteers who came to the aid of the victims of these attacks. On this day, we remember the selfless valor that so many Americans displayed. This resolution also expresses our gratitude to the foreign leaders and citizens of all nations who have joined with the United States in fighting terrorism. H. Res. 1420 recognizes the service and sacrifices of the United States Armed Forces and their families who remain in the front lines of this fight.

Although we pause on September 11th to reflect and say thanks, on this day we should also remember that the forces that divide us from one another can never overcome the transcendent unity we have as Americans. As H. Res. 1420 states, this unspeakable act of terrorism "was designed to intimidate the Nation and its allies, and to weaken the national resolve." However, seven years ago in the face of this tragedy, Members of Congress stood united, shoulder to shoulder on the steps on this Capitol and pledged to work together to remember this day and honor the sacrifice of the fallen. Today we remember that pledge.

In appreciation of that spirit, in memory of the valor of the heroes and the fallen of that day, I urge colleagues to join me in voting for House Resolution 1420.

Mr. WOLF. Madam Speaker, I rise today to join my House colleagues in support of this resolution recognizing September 11 as a day of remembrance; extending sympathies to those who lost their lives on September 11, 2001, and their families; honoring the heroic actions of our Nation's first responders and armed forces, and reaffirming the commitment to defending the people of the United States against any and all future challenges.

We all will always remember where we were on that fateful morning of September 11, 2001, a beautiful, sunny and clear early autumn day in the Nation's capital when terrorists launched their attacks on America. It is etched forever in our memories.

We will never forget—those who died; those who survived and live with the scars; the firemen who ran up the stairs of the World Trade Center to save lives and gave theirs; the heroes on the plane in Pennsylvania; the families left behind whose lives will always have a void; the neighbors, the friends, the countless strangers who performed selfless acts of kindness we will never even know about.

On this solemn anniversary I always think back to the sermon the pastor of my church gave the Sunday after September 11 when he said: "Life is fragile. Evil is real. God is sure."

Life is fragile. It can end in an instant. The families of those who died in the attacks on the World Trade Center, the Pentagon and in a field in Pennsylvania never thought that would be their last day to see their loved ones.

A woman in New York said, "We parted with a kiss on the Union Square Subway platform at around half past eight that morning. Jason was heading to his new job at Cantor Fitzgerald in the World Trade Center; I was heading to my office in SoHo. He must have made it to his desk moments before the plane struck the building."

Evil is real. We saw on September 11 that evil men did evil deeds to innocent people. Thirty people from Virginia's 10th congressional district died on 9/11. I went to the Pentagon that day and saw with my own eyes the destruction. I returned to the Pentagon this morning to join the dedication of the beautiful and moving memorial to hose who died there seven years ago.

I went to Ground Zero in New York City two months after 9/11 and saw the devastation. I saw the notes written on the wooden railing of the viewing platform from family members. One said, "I love you Daddy" in a childish scrawl. Another said, "We miss you Dad. When you look down we hope we will always make you proud."

Evil is real, but God is sure. Psalm 46 says:

"God is our refuge and strength, an ever-present help in trouble. Therefore we will not fear, though the earth give way, and the mountains fall into the heart of the sea, though its waters roar and foam and the mountains quake with their surging. Nations are in uproar, kingdoms fall; he lifts his voice, the earth melts. The Lord Almighty is with us; the God of Jacob is our fortress."

Our lives changed on September 11, and in many ways are still changing and will continue to change. Clearly, we are much more aware of the threat we now face.

We had heroes on 9/11—those who lost their lives and those who tried to save them—and we continue to have heroes today. They are the brave men and women who are fighting in Afghanistan and Iraq showing the terrorists that we will take the fight to them. They are the thousands of civilian employees at numerous Federal agencies supporting those efforts.

Some of those heroes, like those on 9/11, have given their lives to protect our way of life. To them and to their families, we will be forever grateful.

I am reminded of a quote from President Ronald Reagan, who was such an optimist. He believed in America and for what she stands. He once said in describing America, "We will always remember. We will always be proud. We will always be prepared, so we can always be free."

Indeed, we will always remember. And we will always be grateful that we live in the United States of America where, it has been said, unlike almost any other nation on earth, our identity is rooted not in blood, religion or birthplace, but in the idea of freedom.

Freedom has never been with a price. We owe our lives to each and everyone who has paid that ultimate price so that we can continue to live in freedom. And so today, we remember 9/11 and those souls who perished, and we also honor those who responded to the horrific events of that day, and resolve to continue the fight against terrorism and those who would seek to destroy freedom.

Mr. ACKERMAN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. HOYER) that the House suspend the rules and agree to the resolution, H. Res. 1420.

The question was taken.

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

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

The yeas and nays were ordered.

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

ADJOURNMENT TO MONDAY, SEPTEMBER 15, 2008

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

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

There was no objection.

PERMISSION TO CONSIDER AS ADOPTED MOTIONS TO SUSPEND THE RULES

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent that the ordering of the yeas and nays be vacated with respect to the motions to suspend the rules and pass H.R. 6608 and H.R. 6832, respectively, to the end that the motions be considered as adopted in the form considered by the House on Tuesday, September 9, 2008.

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

There was no objection.

The SPEAKER pro tempore. Without objection, respective motions to reconsider are laid on the table.

There was no objection.

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent that

the motion to suspend the rules relating to H.R. 6475 be considered as adopted in the form considered by the House on Tuesday, September 9, 2008.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the motion to reconsider is laid on the table.

There was no objection.

HIGHWAY TRUST FUND RESTORATION ACT

Mr. LEWIS of Georgia. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 6532) to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

On page 3, line 2, strike ''September 30, 2008'' and insert ''the date of the enactment of this Act''.

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

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent to give Members 5 legislative days to revise and extend their remarks on the bill, H.R. 6532.

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

There was no objection.

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

Madam Speaker, this bill passed the House on July 23, 2008, with bipartisan support by a vote of 387 yeas to 37 nays. The Department of Transportation has asked that this legislation be effective immediately. The Senate amended the House-passed bill to change the effective date and respond to the administration's request.

The trust fund is broke, out of money. Our State and local governments, drivers, construction workers and many others will suffer when highway projects are delayed. We took $8 billion out of the trust fund in 1998, and now is the time to put that $8 billion back.

I urge all of my colleagues again to support this important bill.

Madam Speaker, I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise in opposition to H.R. 6532.

Today, just 7 weeks after the House first considered this bill transferring $8 billion from the general fund to the highway trust fund, here we are, back again. I was one of 37 Members to vote against the bill when it was previously considered in the House. The bill simply kicks the can down the road just a little bit more until the highway trust fund is again broke.

Delay and bailout. Delay and bailout. This Congress is elected to run the country, yet we delay action, wring our hands, lament that there are few good options available to address the Nation's problems, then bail out programs gone broke. Our delay only makes the problem worse. Our delay only leaves us with fewer options once we are forced to act.

The bill before us today puts another temporary patch on a highway system that needs funding. Even with this $8 billion infusion of cash, the trust fund is going to go broke again before the next Congress acts to address the underlying problem.

When the House initially passed this bill on July 23, the balance of the trust fund stood at $4.2 billion. Now we learn from the Department of Transportation that in the span of just these few weeks, that balance has fallen all the way to $1.4 billion as of the beginning of this month. So today the administration has called upon the Congress to approve this $8 billion transfer and to make it effective immediately, rather than on September 30th, because the trust fund is likely to go broke sooner.

The highway funding system is based on fuel taxes that are declining at a time when the price of fuel is rising. Fewer people are driving because the cost of gas is skyrocketing.

The majority will not let us debate an energy bill. The majority Democrats will not let America work toward domestic oil and gas. Americans want, need and deserve a clear energy policy that uses American energy sources like oil and gas from offshore. Americans want, need and deserve an energy policy that develops new technologies and brings them to the market. Yet this Congress delays action and prevents debate.

If the highway bills that this Congress has passed were not larded up with thousands of earmarks, then spending from the trust fund could be better regulated to match taxes with spending. A little bit of self-control would solve this problem.

Unfortunately, the bill that will pass the House today shows no self-control. It is just another bailout.

Madam Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL), a member of the Ways and Means Committee.

Mr. PASCRELL. Madam Speaker, I rise to speak on an issue on which our Nation is united, an issue that has had an impact on millions of Americans, and that is the issue of restoring the highway trust fund.

I stand today as a proud cosponsor of H.R. 6532, and I wish to thank my distinguished colleagues, Chairman RANGEL, Chairman OBERSTAR, and Ranking Member MICA for bringing it to the floor for our consideration.

H.R. 6532 put $8 billion into the highway account for the highway trust fund. It is critical to address the projected shortfall in the highway trust fund that would endanger nearly 380,000 jobs. The solvency of the trust fund is necessary to preserve highway investment and provide predictable, long-term Federal funding on which highway projects and State transportation budgets depend.

□ 1500

This funding enables States to continue to finance highway projects that improve safety, ensure mobility, accessibility, increase the movement of people and goods, and promote a sound economy. Our Federal-State highway partnership is essential to the success of our Nation's surface transportation system, and those States must be assured the transportation funding pledged to them under Federal law, we hope, that will be available.

Coming from the State of New Jersey, which has the highest per capita population in the Nation and is dealing with an aging infrastructure, I know that this projected shortfall would have been devastating not only for the transportation projects but especially for job creation at this difficult time. In New Jersey alone, we have seen the loss of over $305 million in Federal highway funds, which would have been compounded by the loss of over 10,000 jobs. That is why it is so imperative that we come together in a bipartisan fashion, to ensure that this shortfall is addressed properly.

I am glad to see that the Bush administration finally acknowledged the crisis with the highway trust fund, despite the President's earlier veto threat.

Looking ahead, we know that families are using less gasoline, hybrid cars are increasing mileage rates, and car pooling is taking more cars off the roads.

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

Mr. LEWIS of Georgia. I yield the gentleman an additional 1 minute.

Mr. PASCRELL. I thank the gentleman.

Our Nation is facing a difficult economic environment. Commuters are flocking to increased bus and rail options due to fuel costs. We hope that those options are available. Just when we need more investment in highways and transit, the resources and the sources are dwindling.

This administration has consistently ignored the tough issues, such as advancing a real plan for renewal and expansion of the highway trust fund. In

the immediate term, I urge all my colleagues on both sides to vote ''yes'' on the Highway Trust Fund Restoration Act.

Mr. SAM JOHNSON of Texas. Madam Speaker, I recognize Mr. JOHN MICA from Florida, the ranking member on the Transportation Committee, for 3 minutes.

Mr. MICA. I thank the gentleman for yielding and for his leadership, and I also thank Mr. JOHNSON for his comments.

When you don't have an energy policy and when you don't have a comprehensive plan to deal with the escalating costs of fuel, you create a crisis. We have created a crisis in the pocketbook and in the checkbook of most Americans. We have also created a crisis here in Congress and in the United States Department of Transportation, because the highway trust fund has gone bust. It is broke. There is no money in it. In fact, tomorrow they will be issuing, if we do not act, notices of termination of Federal participation.

That has consequences. That means not a few jobs will be lost, but there will be 380,000 jobs potentially lost across the country. There will be projects across the United States that are put on hold. So there are consequences to our inaction of adopting a sound energy policy and resolving this issue. And we can solve the energy issue, but we do need a comprehensive approach to do that.

People responded by driving less, so there is less money going into the fund. We have a more efficient fleet of cars on the roads, so we have less money coming also into the fund. And we have alternative fuels that are starting to be used, like plug-in electric and hybrids, that we don't collect the gas tax on. So the trust fund is broke.

Now the House did act responsibly. I partnered with Mr. OBERSTAR, the Chair of our Transportation Committee, with Mr. RANGEL, and Mr. MCCRERY. We did act, and this House passed on July 23 a fix for what is wrong. Mr. JOHNSON is right, this is a Band-Aid on a major problem that we have in funding transportation, and we are just kicking the can down further down. But we have got to sit down immediately as a Congress and resolve these funding issues in our highway trust fund, or we will be back here taking money out of our children's future and out of our general treasury to fund transportation. That is not the way to do it. It's not the right way to go.

We must begin immediately, because the bill we are working under expires next September 30, and we have in place no mechanism to replace and replenish those funds. So this is a Band-Aid, it is a temporary fix. It is not the way I like to do business, but we need to get down to business, solve the energy problem, and have a long-term fix for the highway trust fund that is broken today.

Mr. LEWIS of Georgia. Madam Speaker, I am pleased to yield 1 minute to the gentlewoman from Kansas, Congresswoman BOYDA.

Mrs. BOYDA of Kansas. Madam Speaker, I thank the chairman.

Well, we are here. We are back again. It was about 6 weeks ago that this body passed the very bill that we are talking about today, with the looming shortfall in the highway trust fund. With no Senate action until yesterday, the shortfall is now here and now, and we have to deal with it.

Just last week, our Department of Transportation Secretary, Deb Miller, in Kansas, announced that KDOT would have to cut funds, cut programs and projects while the delay of the payment of funds was slated from the highway trust fund took shape.

Madam Speaker, we can no longer wait to act. The American people are so frustrated right now with Congress, and this is just one more of those things. It is about as crazy as I thought it would be getting here in Congress and watching what Congress can't do, with the opportunity today to do a two-for: We can fix this fund. We can fix this shortfall in the highway trust fund, and we can show the American people that in fact we can come together; in a bipartisan manner, we can work together. With that, I strongly support this bill.

Mr. SAM JOHNSON of Texas. Madam Speaker, at this time I recognize Mr. FLAKE from Arizona for 5 minutes.

Mr. FLAKE. I thank the gentleman for yielding.

We didn't have to be here today. We could have acted more responsibly in 2005, when we reauthorized the highway bill. At that time, I heard a number of people, appropriators and others, stand up and say: We are authorizing more than we will have money for. We knew it at the time. Anybody who really looked at this knew that we were authorizing more than the highway trust fund contained for projects.

To make matters worse, and part of the reason we had far more than we could fund is we had over 6,300 earmarks in the highway bill. That is why this thing was so big. That accounted for about $24 billion of the highway bill.

Now, some of those projects, I grant you, would have been funded anyway in the highway bill. There were projects that a Member wanted that would have been funded out of that State's formula anyway. But there are a lot of projects that would not.

We all know about the infamous Bridge to Nowhere. That was part of this bill. But some of the lesser known things that are in this bill that have far too little to do with transportation, I would submit:

$16 million for the Bremerton Pedestrian Transportation Center in Washington State; $3 million for a parking garage in suburban Chicago; $3.5 million for pedestrian walkways and streetscaping in the village of Western Springs, Illinois; $3.5 million to improve the Pennsylvania Executive Mansion exhibit; $1.5 for the American Tobacco Trail in North Carolina; $800,000 for a transportation and heritage museum in Tennessee; $4 million for bike trails and park space in California; $1 million for the Please Touch Me Museum in Philadelphia; $1 million for the Blue Ridge Mountain Center in Virginia.

These are earmarks that are funded in this bill, part of the reason we are having to steal money from the general fund and fund back the highway trust fund, because we just went hog wild back in 2005.

Just a few examples of some others:

$2.75 million for renovations to the National Packard Museum in Ohio; $2.4 for the National Infantry Museum. Might be a good museum; probably shouldn't be funded out of the highway trust fund.

Yet, instead of going in and saying we are going to rescind these earmarks if they haven't been funded yet, some have, some haven't, we are saying we are going to take from the general fund. When you start doing that, you set a horrible precedent in this place, because we know the amount of logrolling that goes on in a highway bill. And if you don't have the natural ceiling that exists with the highway trust fund, where you say we can spend that much and no more; if you can say, well, when we run out, we will just go out and take from the general fund, then ''Katie bar the door,'' this place is going to be out of money sooner than you think. Because when you have this amount of money and you pass around the projects and you have so much buy-in, then very few will vote against that bill because their own projects are in it, and soon we are taking more and more money from the general fund.

We cannot start that process with this bill, and that is what this bill is doing. That is what this amendment is doing today. We have got to act more fiscally responsible.

Let me just go through a few more.

$1.2 million for the Henry Ford Museum in Michigan. Now, might be a good museum, probably shouldn't be funded with your highway dollars. $500,000 for the Railroad Museum in Georgia; $200,000 for the Brooklyn Children's Museum.

If you are catching a theme here, there are a lot of museums funded in this bill, again, money that is coming out of the highway trust fund that we overburdened the highway trust fund with that we now have to get money from the general fund for.

One of the previous speakers said that there is a national consensus or that the Nation is united on this topic that we need to take from the general fund. I would say, where the Nation is united is that we have got to stop this earmarking process. And if we get to it next week, hopefully we will, the appropriation bill for the Department of Defense, you will see more of it, because that bill contains 1,200 earmarks. The bill that has been marked up in

the subcommittee of appropriations for defense, 1,200 earmarks.

I took a look at it just to see. It is very difficult to see where the money is and where it is going, but one thing we could see is what we see in every bill that contains a lot of earmarks: A disproportionate number of the earmarks are going to those who chair committees, those in leadership positions, or those who are on the Appropriations Committee.

In fact, 1,200 earmarks, as I mentioned. Of these 1,200, more than 560 are associated with appropriators and members of leadership. That is a staggering 45 percent of the earmarks included in the committee print. That is not uncommon; that is what called the spoil system, and that is why it is unlikely that we will be able to stop this amendment today.

Please, let's be fiscally responsible.

Mr. LEWIS of Georgia. Madam Speaker, I yield such time as he needs to the gentleman from Minnesota (Congressman OBERSTAR), the Chair of the Transportation and Infrastructure Committee.

Mr. OBERSTAR. I thank the gentleman for yielding.

We are very pleased to have the Senate action on the conference report. We can restore to the highway trust fund money that was siphoned off 10 years ago.

The discussion of earmarks we have had a dozen times on the House Floor need not be repeated here; it is irrelevant to the issue at hand. We will deal with those matters next year in a subsequent authorization.

But the reality of why this legislation is needed is rooted in the Transportation Equity Act for the 21st Century in 1998, when in this Chamber our then chairman, Bud Shuster, and I, as ranking member, negotiated with the Republican leadership of the House, the Speaker, the Chair of the Appropriations Committee, the Chair of the Budget Committee, the Chair of the Ways and Means Committee, and with the Clinton administration, the President directly with their Office of Management and Budget, and Treasury, to put firewalls around the highway trust fund to assure that surpluses couldn't be built up as had been done every year since 1968 when it began under Lyndon Johnson, President of the United States, to hold money in reserve and make deficits of that and subsequent Presidencies look less than they actually were.

Until 1998, we had a $29 billion surplus in the highway trust fund, taxes paid at the pump by drivers all across the United States but not getting the benefit from it because those monies were held back to make deficits look smaller. So our resolve was to create firewalls around the trust so that couldn't happen in the future.

In order to reach that goal held by every private sector entity in the country, by State transportation authorities, and by Members on both sides of the aisle, we came to an agreement in which we had to yield that $29 billion surplus. $8 billion of it went for current account deficit reduction, and the other $21 billion went for long-term debt reduction. That happened on June 26, when President Clinton signed the TEA–21 act into law. I am sure everybody in this Chamber felt a great burden of debt lifted off their shoulders. But none of that money went for highway projects, for bridge projects, or for highway safety or transit needs of this country.

□ 1515

It went for long-term and short-term debt and deficit reduction. We knew then, and it was predicted by the Department of Transportation, by OMB, by the Congressional Budget Office that, in time, this would lead to a shortfall in the highway trust fund, and that shortfall will occur this fall, or with a little bit of luck, next spring.

The fix is necessary today to repatriate to the highway trust fund those revenues that were taken from it for general revenue purpose use for short-term deficit reduction. That was the folly. That was the gun at the head of the bipartisan leadership of the committee and of the Congress, that we had to make that step, take that step of shifting funds out of the highway trust, in addition to which, we had to agree that the Treasury would not have to pay interest on revenues paid into the trust fund. That resulted in further reduction in revenues in the highway trust fund.

So we are, today, repatriating funds back to the highway trust fund that were taken by force majeure of this governance from the trust fund to general revenue purposes, and bringing it back to keep faith with the drivers of this country. That's what's at stake here, and I want everybody to understand. I'm not stretching the truth. I'm just saying, these are the facts of budget life that we are dealing with. And Congress can keep faith with the traveling public by passing this conference report and restoring the trust to the highway trust fund.

Mr. SAM JOHNSON of Texas. Could I ask how much time is remaining on our side?

The SPEAKER pro tempore. The gentleman from Texas has 9 minutes remaining. The gentleman from Georgia has 10½ minutes remaining.

Mr. SAM JOHNSON of Texas. At this time I would like to yield 3 minutes to Mr. HENSARLING from Texas, the chairman of the Republican Study Committee.

Mr. HENSARLING. I thank the gentleman and my dear friend from Texas for yielding.

Madam Speaker, the fiscal mismanagement of the Democrats continues. In just 19 months, our friends on the other side of the aisle have managed to double the Federal deficit. They have given us the single largest 1-year increase in the Federal debt, an extra $600 billion. They've given us the largest unfunded obligation ever of the Nation, $57.3 trillion, that's trillion with a T, Madam Speaker, roughly $400,000 of debt per American family under this Democrat leadership. They've given us the largest Federal budget ever. They've given us the largest tax increase ever. They've given a blank check to Fannie and Freddie drawn on the checking accounts of working men and women all over the Nation.

And today, today, to the best of my knowledge, for the first time in America's history, they are raiding a bankrupt Treasury in order to give money to the highway trust fund.

Now, Madam Speaker, how did we get here? I submit to you it's two reasons.

Our friends on the other side of the aisle love earmarks, but, unfortunately, they don't love American made energy.

In the last highway bill, as my friend, the gentleman from Arizona, pointed out, 6,300 different earmarks, $24 billion worth. We wouldn't be here, Madam Speaker, if it wasn't for this ''earmarkaholism.''

Now, not all these earmarks are bad. But, Madam Speaker, something called the highway trust fund, why do we have Democrat earmarks for landscaping? Why do we have Democrat earmarks for hiking trails in Tennessee? Why do we have Democrat earmarks, a quarter million dollars for boardwalks?

Madam Speaker, why did we end up with $600,000 for horse riding trails in the Jefferson National Forest in Virginia?

Madam Speaker, why did the Democrats bring us earmarks, $8 million for a parking facility in Harlem? And the list goes on and on.

Now, I'll admit, Madam Speaker, there's been a number of earmarks on our side of the aisle. But this side of the aisle woke up. They understand the American people, and the American people want a moratorium, and it's Republicans that have called for a moratorium.

But more importantly, right now, Madam Speaker, one of the reasons there's no money in the trust fund is people can't afford to drive because Democrats view our oil and gas reserves in our Nation as toxic waste sites, and Republicans view them as natural resources to relieve pain at the pump.

And that's why, Madam Speaker, if we would simply enact the American Energy Act, the All-of-the-Above Act, Americans could drive again and we could fill up these coffers, and we wouldn't be here today.

And, finally, to be here today without any offsets is an absolute tragedy for this Nation. And this bill should be rejected.

Mr. LEWIS of Georgia. Madam Speaker, I yield 4 minutes to the gentleman from Oregon, Congressman BLUMENAUER, a member of the Ways and Means Committee.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, and I appreciate this coming forward.

It's somewhat ironic to listen to our friends on the other side of the aisle dust off the old canard about earmarks. It's a bit awkward for them, as we're finding out that Governor Palin was not just for them but aggressively lobbying for them before she was against them. And all the earmarks the gentleman talks about were under the Republican watch. They controlled the last transportation bill.

But I am pleased that the administration has had a change of heart. It's withdrawing its veto threat to ensure the fulfillment of the highway trust fund.

This is serious business, and I hope it would be one of the areas where we Republicans and Democrats could come together. Making sure that we don't lose the over $14 billion of highway, bridge and other transportation funding and hundreds of thousands of construction, engineering and design jobs that are at risk right now is absolutely essential.

I'm pleased that Congress is taking this step to make sure that we do not move in the wrong direction because communities, large and small, urban and rural, are suffering from failing infrastructure. I spent last week with my friend, MIKE SIMPSON, in Idaho, dealing with those issues in his State, and it's nothing partisan or ideological about it. It's time for us to come forward and make this initiative.

It's so bad that the American Society of Civil Engineers has given our Nation's infrastructure overall a grade of D minus. Today the Federal Government is investing less than we have as a percent of our Gross Domestic Product than we have for 50 years. And we're falling behind our competitors around the world.

I'm hopeful that we can move forward today with this as a first step towards a comprehensive approach to deal with rebuilding and renewing America dealing with its energy needs, its water, transportation and infrastructure, so that we can make sure that all our communities are livable and our families safer, healthier and more economically secure.

Mr. SAM JOHNSON of Texas. Madam Speaker, at this time I would like to recognize Mr. DON YOUNG from Alaska for 4 minutes.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Madam Speaker, first, let me say I'm very supportive of this legislation. And I understand the fiscal responsibility. I understand that those that say we're taking $8 billion and we're not having an offset. Remember we, this body, borrowed the money. And I want to compliment Mr. OBERSTAR on the history of what occurred in 1998 and where we are today. So we're really paying back what we borrowed. And that's part of the principle about, I call it an obligation, a man's word, or a woman's word, to someone else.

We borrowed that money from the taxpayers that paid at the pump, and very frankly, we spent it for other purposes, be it put the debt down, et cetera, that's not why we paid that 18.2 cents per gallon. We paid it for an infrastructure system.

Having said that, we have another problem. Our infrastructure is falling apart. When I was chairman of the Transportation Committee, I asked for a five-cent increased tax on gasoline. And very frankly, my side of the aisle and my President said, no, and we're further behind today than we were when I first suggested that. We ended up with $286 billion instead of $216 billion, but not nearly enough.

There's no one in this Nation today that can tell me that our transportation is keeping up. It is falling further behind each day, each day; and when we do that, we add to the debt of this Nation because our economy is based upon the ability to move product and people. If we can't do that, we have no economy.

The thing that hurts me the most, my good friends, in this energy crisis we have today and the high cost of energy, we're spending more money and more gallons of fuel sitting still than moving because we have congestion. That is not the economy this country needs.

I will say this to my new chairman, Mr. OBERSTAR. He has a huge responsibility, and I hope this Congress will listen. And whoever the next President is, we must address this issue of raising the dollars to improve the transportation system within this Nation.

Mr. BLUMENAUER said to the effect that no one's talking about transportation in this Presidential election. And I'm not being partisan here. Neither party's talking about transportation. If we do not do that, with the increase of the population we cannot have an economic base.

Lastly, let me suggest one thing. One of the reasons the money is not there and why we should pass this bill today is because we are spending less on gasoline because of the high price. And for those who do not want to drill, those who do not want to reduce domestic prices, think of what you're doing to the transportation system in this country. My chairman is going to have to come up with a way of funding. Maybe it's other than the gas tax. I don't know.

But we do have the automobiles. I don't care whether they're hybrids. I don't care what they are in saving fuels. We do have a transportation necessity in this country, and this body has not had the courage to go forth and have the vision of improving the transportation of the Nation for the future generations. We must do that.

This bill is a short step. It's needed. It's important, and it is returning what we borrowed; we, being the body of Congress, from the taxpayers at the pump. I have come from the old school that if you borrow it you pay it back, and that's what we're doing today to keep the largest driving force in this country going, the construction of our infrastructure, the improvement upon and then the repair. If we don't do that today, I'm sure we will, we'll make a great mistake.

But let's go to the future, the next highway bill. And those that are talking about we shouldn't spend it here, we shouldn't spend it there, there's no better way to spend the dollars of the American taxpayer than in an infrastructure for the future generations. It creates employment today, it creates employment in the future, and it takes and makes our economy strong forever.

Mr. LEWIS of Georgia. I reserve the balance of my time, Madam Speaker.

Mr. SAM JOHNSON of Texas. Madam Speaker, at this time I would like to recognize Mr. JERRY MORAN from Kansas for 1 minute.

Mr. MORAN of Kansas. I thank the gentleman from Texas. And I rise today in support of H.R. 6532.

I come from a State in which transportation matters. Long distances between communities, agricultural and commodity goods to be hauled to market. And in the absence of this restoration of $8 billion to the highway trust fund, our State would lose nearly $118.5 million dollars, creating a critical shortfall and the inability to complete projects underway.

So I'm pleased today to be back here in support of legislation that this body passed several weeks ago; pleased to see the Senate follow suit last night, and pleased to know that the President will sign this legislation upon its passage today.

I commend my colleagues in Ways and Means, and appreciate my colleagues from the House Transportation and Infrastructure Committee who have arisen to the occasion to make certain that transportation is supported and the jobs and industry that it pertains to, by this legislation.

□ 1530

Mr. LEWIS of Georgia. Madam Speaker, I continue to reserve my time.

Mr. SAM JOHNSON of Texas. Madam Speaker, at this point I would like to recognize Mr. SCOTT GARRETT from New Jersey for 1 minute.

Mr. GARRETT of New Jersey. I thank the gentleman.

I rise to oppose this legislation which is really unfair and unjust to the people of the State of New Jersey. I say so because it perpetuates an unfair system to our State, our State made up of commuters, because it does not change a system where in fact we do not get back a dollar on a dollar. Our commuters only get back pennies, 87 cents on a dollar in the current system, and this perpetuates that system.

See, New Jersey is a commuter State. Whether you work or play, you

have to rely on your car or truck to get around, and you're being attacked both from our State capital and in Washington, D.C.

You're being attacked by our State capital by perpetual toll increases from High Point to Cape May, from Alpha to LBI, there are always threats of higher taxes there. And in D.C., we're under attack as well for the failure of this Congress and this Democrat leadership of passing an energy package.

With gasoline at $3.50 a gallon and diesel at $4 a gallon, where it costs over $1,000 to fill up your truck to get to work or to get to school or elsewhere, New Jersey commuters are consistently being attacked by a system out of control in our State capital and our national capital as well, and that is why I stand here opposed to this legislation until we change the existing system of funding for tax administration.

Mr. LEWIS of Georgia. Madam Speaker, may I inquire of Mr. JOHNSON whether he has any more speakers?

The SPEAKER pro tempore. The time of the gentleman from Texas has expired. The gentleman from Georgia has 8 minutes remaining.

Mr. LEWIS of Georgia. Madam Speaker, I fully support H.R. 6532, as amended. We must act and we must act responsibly and return $8 billion to the highway trust fund.

I urge all of my colleagues on both sides of the aisle to vote ''yes'' for this important and needed bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in support of the Senate Amendment to H.R. 6532, a bill to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

As an original cosponsor of H.R. 6532 I am delighted our colleagues from the other body finally decided to act on this vital piece of legislation. Moreover, I was delighted to learn that the White House has now reversed its position on vetoing this important bill.

Our Nation's highway trust fund serves as the lifeblood for funding our Nation's transportation infrastructure.

Regrettably, the fund is facing an imminent shortfall due to decreased revenue into the fund. This shortfall comes at a most inopportune time as many States across the country are struggling to provide funding just for adequate highway maintenance—let alone new construction.

I feel it is important that while many observers have attempted to frame discussions of the highway trust fund in terms of a ''bail out'' by the general fund, H.R. 6532 is not a bail out. The measure essentially restores $8 billion that was transferred out of the account in a 1998 budget reduction arrangement.

Ensuring the solvency of the Highway Trust Fund is important to my home State, as Texas has one of the most extensive surface transportation networks in the world.

Texas has more than 10,000 miles of rail track; more than 300,000 miles of roadway and more than 50,000 bridges—more than any other State in the Nation. Our transportation network is bursting at the seams, and failure to enact this bill will render a significant blow to transportation construction and maintenance jobs across my State.

We simply cannot allow this to happen. In the absence of passage of H.R. 6532, the State of Texas stands to lose $859 million in funding and a projected loss of 30,000 good-paying jobs.

The State has identified a funding gap of $86 billion between available resources and what is needed to achieve an acceptable level of mobility by 2030. By the year 2030, TXDOT predicts the State's population is expected to increase by 64 percent. My State cannot afford a lapse in receiving its share of federal highway funding made available by SAFETEA–LU.

In the absence of bold and decisive action by this body in the next highway bill authorization, stagnant transportation policy and inadequate funding will cripple our country. It is past time for government at all levels to make investment in transportation infrastructure an urgent priority.

Madam Speaker, I urge my colleagues to vote yes on this important piece of legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 6532.

The question was taken.

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

Mr. LEWIS of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

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: approval of the Journal, de novo; motion to suspend the rules on H. Res. 1420, by the yeas and nays; motion to suspend the rules on H.R. 6532, 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.

THE JOURNAL

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

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

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

RECORDED VOTE

Mr. SAM JOHNSON of Texas. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 215, noes 190, answered ''present'' 1, not voting 27, as follows:

[Roll No. 585]

AYES—215

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

NOES—190

Abercrombie
Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Childers
Coble
Cole (OK)
Conaway

Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
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
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
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Sensenbrenner
Sessions
Shadegg
Shays
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (CA)
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)

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—27

Brady (TX)
Culberson
Feeney
Gohmert
Green, Gene
Hastings (WA)
Hulshof
Jackson-Lee (TX)
Kennedy
LaHood
Lampson
Lee
Levin
Murphy, Tim
Nadler
Ortiz
Paul
Perlmutter
Peterson (MN)
Peterson (PA)
Pitts
Poe
Radanovich
Rush
Schmidt
Shimkus
Stark

□ 1600

Messrs. THOMPSON of California, GILCHREST, DOOLITTLE and HUNTER changed their vote from ''aye'' to ''no.''

Messrs. COOPER and ALTMIRE and Ms. WOOLSEY changed their vote from ''no'' to ''aye.''

So the Journal was approved.

The result of the vote was announced as above recorded.

MOMENT OF SILENCE COMMEMORATING THE 9/11 ATTACKS

The SPEAKER. The House will now observe a moment of silence in memory of the victims of the terrorist attacks on September 11, 2001.

Will all present please rise for a moment of silence.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

The SPEAKER pro tempore (Mrs. TAUSCHER). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1420, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. HOYER) that the House suspend the rules and agree to the resolution, H. Res. 1420.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 31, as follows:

[Roll No. 586]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
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
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
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
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Petri
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
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
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—31

Brady (TX)
Culberson
Feeney
Gohmert
Green, Gene
Hastings (WA)
Hulshof
Hunter
Jackson-Lee (TX)
LaHood
Lampson
Lee
Levin
Marchant
Murphy, Tim
Nadler
Ortiz
Paul
Perlmutter
Peterson (MN)
Peterson (PA)
Pitts
Poe
Radanovich
Rush
Schmidt
Shimkus
Stark
Sullivan
Wasserman Schultz
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1608

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. DANIEL E. LUNGREN of California. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I am informed that on our side of the aisle we have already signed up for the customary leadership hour a Member, and two individual Members for one-hour Special Orders, as well as a number of Members who intend to request 5-minute Special Orders, the subject of which will be the important issue facing the Nation today, energy.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry?

Mr. DANIEL E. LUNGREN of California. My parliamentary inquiry is this: If the motion to adjourn, which is the second vote next in order, is adopted, is it my understanding that all business of the House will have to be curtailed, including the customarily accepted Special Orders, including that at the direction of the minority leadership?

The SPEAKER pro tempore. If a motion to adjourn were adopted, the House would stand adjourned.

Mr. DANIEL E. LUNGREN of California. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DANIEL E. LUNGREN of California. If, then, the motion to adjourn is adopted, does that mean then, again, the lights of this House will be dimmed and the microphones will be shut off?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

HIGHWAY TRUST FUND RESTORATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill, H.R. 6532, 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 Georgia (Mr. LEWIS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 6532.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 376, nays 29, not voting 28, as follows:

[Roll No. 587]

YEAS—376

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
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
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
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
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Pearce
Petri
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—29

Broun (GA)
Campbell (CA)
Cannon
Chabot
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Hensarling
Hobson
Inglis (SC)
Johnson, Sam
Jordan
Kingston
Lamborn
Linder
Manzullo
McCrery
McHenry
Neugebauer
Pence
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Stearns
Tancredo
Thornberry
Young (FL)

NOT VOTING—28

Brady (TX)
Culberson
Feeney
Green, Gene
Hastings (WA)
Hulshof
Issa
Jackson-Lee (TX)
King (NY)
LaHood
Lampson
Lee
Levin
Murphy, Tim
Nadler
Ortiz
Paul
Perlmutter
Peterson (MN)
Peterson (PA)
Pitts
Poe
Pryce (OH)
Radanovich
Rush
Schmidt
Shimkus
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1618

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5683. An act to make certain reforms with respect to the Government Accountability Office, and for other purposes.

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

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 2450. An act to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine.

S. 2837. An act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Theodore Roosevelt United States Courthouse''.

ADJOURNMENT

Mr. HOYER. Madam Speaker, I move that the House do now adjourn.

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 208, nays 190, not voting 35, as follows:

[Roll No. 588]

YEAS—208

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

NAYS—190

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

NOT VOTING—35

Alexander
Barton (TX)
Brady (TX)
Campbell (CA)
Capito
Culberson
DeFazio
Feeney
Gordon
Green, Gene
Gutierrez
Hall (TX)
Hastings (WA)
Hulshof
Jackson-Lee (TX)
King (NY)
LaHood
Lampson
Lee
Levin
Murphy, Tim
Nadler
Ortiz
Paul
Perlmutter
Peterson (MN)
Peterson (PA)
Pitts
Poe
Pryce (OH)
Radanovich
Rush
Schmidt
Shimkus
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1634

Mr. FOSTER changed his vote ''yea'' to ''nay.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly, (at 4 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until Monday, September 15, 2008, at 12:30 p.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8257. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Domestic Dates Produced or Packed in Riverside County, CA; Decreased Assessment Rate [Docket No. AMS-FV-08-0056; FV08-987-1 IFR] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8258. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Amendment of General Regulations for Fruit, Vegetable and Nut Marketing Agreements and Marketing Orders; Addition of Supplemental Rules of Practice for Amendatory Formal Rulemaking Proceedings [Docket No. AMS-FV-08-0061; FV08-900-1 FR] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8259. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Control of Emissions from Nonroad Spark-Ignition Engines and Equipment [EPA-HQ-OAR-2004-0008; FRL-8712-8] (RIN: 2060-AM34) received September 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8260. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's report on progress made in licensing and constructing the Alaska Natural Gas Pipeline, pursuant to Section 1810 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

8261. A letter from the Director, U.S. Census Bureau, Department of Commerce, transmitting the Department's final rule — Cutoff Dates for Recognition of Boundary Changes for the 2010 Census [Docket Number 080703821-8824-01] (RIN: 0607-AA47) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8262. A letter from the White House Liaison, Department of Education, Office of Legislation and Congressional Affairs, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8263. A letter from the White House Liaison, Department of Education, Office of Management, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8264. A letter from the Acting Administrator, Small Business Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8265. A letter from the Assistant Secretary — Fish, Wildlife & Parks, Department of the Interior, transmitting the Department's final rule — 2008-2009 Refuge-Specific Hunting and Sport Fishing Regulations (Additions) [[FWS-R9-WSR-2008-0017] [93250-1261-

0000-4A]] (RIN: 1018-AV20) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8266. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Acanthomintha ilicifolia (San Diego thornmint) [[FWS-R8-ES-2007-0007] [92210-1117-0000-B4]] (RIN: 1018-AU86) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8267. A letter from the Chief, FWS Endangered Species Listing Branch, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Bay Checkerspot Butterfly ([Euphydryas editha bayensis) [FWS-R8-ES-2008-0034; 92210-1117-0000-B4] (RIN: 1018-AV24) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8268. A letter from the Under Secretary and Director, Department of Commerce, transmitting the Department's final rule — Changes to Representation of Others Before The United States Patent and Trademark Office [Docket No.: PTO-C-2005-0013] (RIN: 0651-AB55) received September 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8269. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a legislative proposal to implement international agreements concerning nuclear terrorism and nuclear materials; to the Committee on the Judiciary.

8270. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a legislative proposal to enhance the Federal government's ability to prosecute individuals who seek and receive military-type training from terrorist organizations or who receive military-type training with the purpose of engaging in terrorist acts; to the Committee on the Judiciary.

8271. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30606; Amdt. No. 474] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8272. 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. 30604; Amdt. No 3266] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8273. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Special Federal Aviation Regulation No. 108-Mitsubishi MU-2B Series Airplane Special Training, Experience, and Operating Requirements; Notice of OMB Aproval for Information Collection [Docket No. FAA-2006-24981; Amendment Nos. 61-119, 91-301, and 135-114] (RIN: 2120-AI82) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8274. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Robinson R-22/R-44 Special Training and Experience Requirements [Docket No. FAA-2002-13744; Amendment No. 61-120] (RIN: 2120-AJ25) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8275. 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. 30601; Amdt. No. 3263] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8276. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; New Braunfels, Texas [Docket No. FAA-2007-29372; Airspace Docket No. 07-ASW-9] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8277. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Scottsboro, AL [Docket No. FAA-2007-28591; Airspace Docket No. 07-ASO-16] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8278. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E5 Airspace; Tarkio, MO [Docket No. FAA-2007-28869; Airspace Docket No. 07-ACE-11] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8279. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E5 Airspace; Prairie Du Sac, WI [Docket No. FAA-2007-28778; Airspace Docket No. 07-AGL-6] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8280. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Oil City, PA. [Docket No. FAA-2007-0104; Airspace Docket No. 07-AEA-10] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8281. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), CL-600-2B16 (CL-601-3A, CL-601-3R, & CL-604 (Including CL-605 Marketing Variant)) Airplanes, and Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2008-0408; Directorate Identifier 2008-NM-068-AD; Amendment 39-15458; AD 2008-08-06] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8282. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. ATF3-6 and ATF3-6A Series Turbofan Engines [Docket No. FAA-2007-29092; Directorate Identifier 2007-NE-30-AD; Amendment 39-15431; AD 2008-06-19] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8283. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Series Airplanes, Model A300-600 Series Airplanes, and Model A310 Series Airplanes [Docket No. FAA-2007-27982; Directorate Identifier 2007-NM-009-AD; Amendment 39-15288; AD 2007-25-06] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8284. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200C and -200F Series Airplanes [Docket No. FAA-2007-28924; Directorate Identifier 2007-NM-051-AD; Amendment 39-15305; AD 2007-26-03] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8285. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF6-80C2B1 Turbofan Engine [Docket No. FAA-2007-0193; Directorate Identifier 2007-NE-43-AD; Amendment 39-15273; AD 2007-24-07] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8286. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; REIMS AVIATION S.A. Model F406 Airplanes [Docket No. FAA-2007-0115; Directorate Identifier 2007-CE-080-AD; Amendment 39-15310; AD 2007-26-08] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8287. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piaggio Aero Industries S.p.A. Model P-180 Airplanes [Docket No. FAA-2007-27532 Directorate Identifier 2007-CE-021-AD; Amendment 39-15281; AD 2007-24-15] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8288. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Airplanes [Docket No. FAA-2007-29259; Directorate Identifier 2007-NM-195-AD; Amendment 39-15274; AD 2007-24-08] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8289. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2007-0047; Directorate Identifier 2007-NM-197-AD; Amendment 39-15329; AD 2008-01-04] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8290. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2007-27740; Directorate Identifier 2006-NM-290-AD; Amendment 39-15256; AD 2007-23-10] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8291. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-53, DC-8-55, DC-8F-54, and DC-8F-55 Airplanes; and Model DC-8-60, DC-8-60F, DC-8-70, and DC-8-70F Series Airplanes [Docket No. FAA-2007-27777; Directorate Identifier 2006-NM-265-AD; Amendment 39-15236; AD 2007-21-18] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8292. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes [Docket No. FAA-2007-28115 Directorate Identifier 2007-CE-045-AD; Amendment 39-15235; AD 2007-21-17] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8293. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12, PC-12/45, and PC-12/47 Airplanes [Docket No. FAA-2007-29217; Directorate Identifier 2007-CE-075-AD; Amendment 39-15229; AD 2007-21-11] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8294. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Stemme GmbH & Co. KG Model S10-VT Gliders [Docket No. FAA-2007-28958; Directorate Identifier 2007-CE-070-AD; Amendment 39-15227; AD 2007-21-09] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8295. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; International Aero Engines (IAE) V2500 Series Turbofan Engines [Docket No. FAA-2005-23500; Directorate Identifier 2005-NE-46-AD; Amendment 39-15223; AD 2007-21-05] (RIN: 2120-AA64) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8296. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Staunton, VA [Docket No. FAA-2008-0170; Airspace Docket No. 08-AEA-16] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8297. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Proposed Establishment of Class E5 Airspace; Indianapolis, IN [Docket No. FAA-2008-026; Airspace Docket No. 08-AGL-2] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8298. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Deadhorse, AK [Docket No. FAA-2008-0171; Airspace Docket No. 08-AAL-5] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8299. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Vinalhaven, ME. [Docket No. FAA-2008-0061; Airspace Docket No. 08-ANE-92] received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8300. A letter from the Secretary, Department of Labor, transmitting the Department's report entitled, ''2007 Findings on the Worst Forms of Child Labor,'' pursuant to 19 U.S.C. 2464; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 6357. A bill to amend the Public Health Service Act to promote the adoption of health information technology, and for other purposes; with an amendment (Rept. 110–837, Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 6177. A bill to amend the Wild and Scenic Rivers Act to modify the boundary of the Rio Grande Wild and Scenic River; with an amendment (Rept. 110–838). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 5853. A bill to expand the boundary of the Minute Man National Historical Park in the Commonwealth of Massachusetts to include Barrett's Farm, and for other purposes (Rept. 110–839). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 5335. A bill to amend the National Trails System Act to provide for the inclusion of new trail segments, land components, and campgrounds associated with the Trail of Tears National Historical Trail, and for other purposes; with an amendment (Rept. 110–840). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1847. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; with an amendment (Rept. 110–841). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 6627. A bill to authorize the Board of Regents of the Smithsonian Institution to carry out certain construction projects, and for other purposes (Rept. 110–842, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Science and Technology discharged from further consideration. H.R. 6357 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 6357. Referral to the Committee on Ways and Means extended for a period ending not later than September 19, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. LORETTA SANCHEZ of California (for herself and Mr. THOMPSON of Mississippi):

H.R. 6869. A bill to require the Secretary of Homeland Security to issue a rule with respect to border security searches of electronic devices, and for other purposes; to the Committee on Homeland Security.

By Mr. FRANK of Massachusetts (for himself and Mr. KING of New York):

H.R. 6870. A bill to ensure that implementation of proposed regulations under subchapter IV of chapter 53 of title 31, United States Code, does not cause harm to the payments system, and for other purposes; to the Committee on Financial Services.

By Mrs. MALONEY of New York (for herself and Mr. FRANK of Massachusetts):

H.R. 6871. A bill to amend the Expedited Funds Availability Act to provide a 1-time adjustment in certain dollar amounts to account for inflation over the 21 years since the enactment of such Act, to provide for future adjustments of such amounts on a regular basis, and for other purposes; to the Committee on Financial Services.

By Mr. GOODLATTE (for himself and Mr. TOM DAVIS of Virginia):

H.R. 6872. A bill to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence; to the Committee on Oversight and Government Reform.

By Mr. VAN HOLLEN (for himself, Mr. RAMSTAD, and Mr. HINCHEY):

H.R. 6873. A bill to delay any application of the phase out of the Medicare hospice budget neutrality adjustment factor during fiscal year 2009; to the Committee on Ways and Means.

By Mr. MCGOVERN (for himself, Mr. MARKEY, Mr. CAPUANO, Mr. OLVER, Mr. LANGEVIN, Mr. LYNCH, Ms. TSONGAS, Mr. FRANK of Massachusetts, Mr. TIERNEY, Mr. DELAHUNT, and Mr. NEAL of Massachusetts):

H.R. 6874. A bill to designate the facility of the United States Postal Service located at 156 Taunton Avenue in Seekonk, Massachusetts, as the ''Lance Corporal Eric Paul Valdepenas Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. KUCINICH (for himself, Mr. CAPUANO, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. FATTAH, Mr. KENNEDY, Ms. KILPATRICK, Ms. MCCOLLUM of Minnesota, Ms. NORTON, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. STARK, Ms. WATERS, Ms. WATSON, and Ms. WOOLSEY):

H.R. 6875. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KAGEN:

H.R. 6876. A bill to amend the Internal Revenue Code of 1986 to increase the credit amount for new qualified fuel cell motor vehicles with gross vehicle weight ratings of more than 26,000 pounds; to the Committee on Ways and Means.

By Ms. BALDWIN (for herself, Mr. INSLEE, and Mr. HOLT):

H.R. 6877. A bill to provide for the creation of a Federal greenhouse gas registry, and for other purposes; to the Committee on Energy and Commerce.

By Ms. BERKLEY (for herself and Mr. DAVIS of Alabama):

H.R. 6878. A bill to amend title XVIII of the Social Security Act to modify the designation of accreditation organizations for prosthetic devices and orthotics and prosthetics, to apply accreditation and licensure requirements to such devices and items for purposes of payment under the Medicare program, and to modify the payment methodology for such devices and items under such program to account for practitioner qualifications and

complexity of care; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNEY:

H.R. 6879. A bill to amend Public Law 100-573 to extend the authorization of the Delaware Water Gap National Recreation Area Citizen Advisory Commission; to the Committee on Natural Resources.

By Mr. CAZAYOUX:

H.R. 6880. A bill to amend the Internal Revenue Code of 1986 to allow an individual a credit against income tax for uncompensated losses from damage to such individual's principal residence by reason of Hurricane Gustav to the extent such losses are uncompensated by reason of the deductible on the individual's homeowner's insurance; to the Committee on Ways and Means.

By Mr. FORTENBERRY:

H.R. 6881. A bill to provide for audits of programs, projects, and activities funded through earmarks; to the Committee on Oversight and Government Reform.

By Mr. GOHMERT:

H.R. 6882. A bill to authorize the National Science Foundation to award a monetary prize for achievement in electricity storage; to the Committee on Science and Technology.

By Mr. HINCHEY (for himself, Mr. BISHOP of New York, Mr. RANGEL, Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. ISRAEL, Mrs. MALONEY of New York, Mr. NADLER, and Mr. MCGOVERN):

H.R. 6883. A bill to establish a commission to study the establishment of the National Museum of the American People in Washington, DC, and for other purposes; to the Committee on Natural Resources.

By Ms. MATSUI (for herself, Mr. VAN HOLLEN, Mr. BISHOP of Georgia, Mr. DOOLITTLE, Mr. ETHERIDGE, Mr. RAMSTAD, Mr. STARK, Mrs. EMERSON, Mr. ALTMIRE, Mr. WAXMAN, Mr. KING of New York, Ms. SCHAKOWSKY, Ms. BORDALLO, Ms. DEGETTE, Mr. MCGOVERN, and Mr. MCDERMOTT):

H.R. 6884. A bill to amend the Public Health Service Act to provide for the establishment of a National Acquired Bone Marrow Failure Disease Registry, to authorize research on acquired bone marrow failure diseases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCHUGH (for himself, Mr. KUHL of New York, Mr. REYNOLDS, Mr. WALSH of New York, and Mr. NUNES):

H.R. 6885. A bill to amend the Immigration and Nationality Act to provide a special rule for the period of admission of H-2A nonimmigrants employed as dairy workers and sheepherders, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK:

H.R. 6886. A bill to deny certain Federal funds to any institution of higher education that admits as students aliens who are unlawfully present in the United States; to the Committee on Education and Labor.

By Mr. SHADEGG:

H.R. 6887. A bill to authorize the President or a designee of the President to waive any legal requirement under any provision of Federal law otherwise applicable to a covered energy project as the President or such designee determines necessary to ensure expeditious conduct of such project, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOHMERT (for himself, Mr. CONYERS, Mr. SMITH of Texas, and Mr. SCOTT of Virginia):

H. Con. Res. 410. Concurrent resolution recognizing the FBI on their 100th anniversary; to the Committee on the Judiciary.

By Mr. REICHERT (for himself, Ms. BORDALLO, Mr. RAMSTAD, Mr. DOYLE, Mr. HOLDEN, Mr. SMITH of New Jersey, Mr. EHLERS, Ms. PRYCE of Ohio, Mr. POE, Mr. PETRI, Mr. GERLACH, Mrs. MCMORRIS RODGERS, Mr. BRADY of Pennsylvania, Mr. KAGEN, Mr. KIRK, and Mr. SHAYS):

H. Con. Res. 411. Concurrent resolution raising the awareness of the need for crime prevention in communities across the country and expressing support for designation of the week of October 2, 2008, through October 4, 2008, as ''Celebrate Safe Cumminities'' Week; to the Committee on the Judiciary.

By Mr. TIBERI:

H. Con. Res. 412. Concurrent resolution honoring and recognizing the life and accomplishments of Jack Hanna; to the Committee on Oversight and Government Reform.

By Mrs. BLACKBURN (for herself, Mr. CONYERS, Mr. COHEN, Mr. COBLE, Mr. RANGEL, Mr. ISSA, Mr. LEWIS of Georgia, Ms. CORRINE BROWN of Florida, Mr. PICKERING, Mr. CHILDERS, Mr. TOWNS, Mr. GRIJALVA, Mrs. MALONEY of New York, Ms. LEE, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. HASTINGS of Florida, Mr. ROGERS of Michigan, Mrs. CHRISTENSEN, Mr. PAYNE, and Mr. FATTAH):

H. Res. 1425. A resolution honoring the life and music of the late Isaac Hayes, a passionate humanitarian, whose music laid the foundation for many musical styles, including R&B, disco, and rap; to the Committee on the Judiciary.

By Mr. MCCOTTER (for himself, Mr. BOUSTANY, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. FORTUÑO, Mr. KING of New York, Mr. LAMBORN, and Mr. LINDER):

H. Res. 1427. A resolution congratulating General David Howell Petraeus on being appointed Commander of the United States Central Command, and for other purposes; to the Committee on Armed Services.

By Mr. BOSWELL (for himself, Mr. SAM JOHNSON of Texas, Mr. LATHAM, Mr. LOEBSACK, Mr. KING of Iowa, Mrs. MALONEY of New York, Mr. BACA, Mr. HARE, Mr. TERRY, Ms. MCCOLLUM of Minnesota, Ms. BORDALLO, Mr. WALZ of Minnesota, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, and Mr. BRALEY of Iowa):

H. Res. 1428. A resolution congratulating Nastia Liukin, Shawn Johnson, Chellsie Memmel, Samantha Peszek, Alicia Sacramone, and Bridget Sloan of the United States Women's Gymnastics team for their outstanding performances and representation of the United States during the 2008 Olympics in Beijing, China; to the Committee on Oversight and Government Reform.

By Ms. CLARKE (for herself, Mr. THOMPSON of Mississippi, Mr. CARNEY, Mr. LANGEVIN, Ms. HARMAN, Ms. JACKSON-LEE of Texas, Mr. KING of New York, Mr. REICHERT, Mr. DENT, Mrs. MILLER of Michigan, and Ms. LORETTA SANCHEZ of California):

H. Res. 1429. A resolution expressing the sense of the House of Representatives that the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of emergency response providers and law enforcement agents nationwide should be commended for their dedicated service on the Nation's front lines in the war against acts of terrorism; to the Committee on Homeland Security.

By Mr. LOEBSACK (for himself and Mr. PLATTS):

H. Res. 1430. A resolution expressing support for the goals of the National Step Up For Kids Day by promoting national awareness of the needs of the children, youth, and families of the United States, celebrating children, and expressing the need to make their future and well-being a national priority; to the Committee on Education and Labor.

By Mr. STEARNS:

H. Res. 1431. A resolution expressing the sense of the House of Representatives that the Department of Defense and the Department of State should withhold funds for any new reconstruction projects in Iraq until the Iraqi Government reimburses the United States for previous reconstruction projects, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PASTOR introduced a bill (H.R. 6888) for the relief of Alfredo Ramirez Vasquez; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. CUMMINGS and Mr. SARBANES.
H.R. 87: Mr. SHAYS.
H.R. 736: Mrs. CUBIN.
H.R. 992: Mr. FILNER.
H.R. 1117: Mr. MEEKS of New York.
H.R. 1178: Mr. COURTNEY.
H.R. 1246: Mr. SCOTT of Virginia.
H.R. 1283: Mr. PETRI.
H.R. 1303: Mr. HOEKSTRA.
H.R. 1363: Ms. BORDALLO.
H.R. 1419: Mr. ROSS.
H.R. 1552: Mr. ROHRABACHER and Mr. MCCAUL of Texas.
H.R. 1621: Mr. LATHAM.
H.R. 1665: Mr. SCHIFF and Mr. CROWLEY.
H.R. 1738: Mr. BOUSTANY and Mr. NADLER.
H.R. 1776: Mr. BARROW.
H.R. 1801: Mr. MOORE of Kansas, Ms. LINDA T. SÁNCHEZ of California, Ms. SUTTON, Mr. ANDREWS, and Mr. HARE.
H.R. 1820: Ms. SOLIS, Mrs. BONO MACK, Mr. HARE, Mr. MORAN of Virginia, Ms. SPEIER, and Ms. TSONGAS.
H.R. 1866: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1919: Mr. LARSEN of Washington.
H.R. 1927: Mr. SHULER.
H.R. 2169: Mr. LARSON of Connecticut.
H.R. 2210: Mr. CLEAVER.
H.R. 2221: Mr. EMANUEL, Mr. SCOTT of Virginia, Ms. DELAURO, and Mr. HARE.
H.R. 2231: Mr. MILLER of North Carolina.
H.R. 2472: Mr. BRALEY of Iowa.
H.R. 2840: Mr. MCGOVERN.
H.R. 3174: Mr. WEXLER.
H.R. 3283: Mr. CHANDLER, Mr. BOUCHER, and Ms. BERKLEY.

H.R. 3326: Mr. KUCINICH, Mr. SMITH of Washington, Ms. SPEIER, Mr. HARE, Mr. VAN HOLLEN and Ms. TSONGAS.
H.R. 3334: Mr. PRICE of North Carolina.
H.R. 3407: Mr. LIPINSKI.
H.R. 3895: Mr. HASTINGS of Florida.
H.R. 4048: Mr. CARSON.
H.R. 4133: Mr. BURGESS and Mr. TERRY.
H.R. 4218: Ms. SCHAKOWSKY, Mr. MOORE of Kansas, and Mr. BISHOP of New York.
H.R. 4651: Mr. BISHOP of New York.
H.R. 4836: Mr. ALLEN.
H.R. 5463: Mr. BARRETT of South Carolina.
H.R. 5469: Ms. TSONGAS.
H.R. 5510: Mr. PERLMUTTER.
H.R. 5585: Mr. UPTON, Mr. FRANK of Massachusetts, and Mr. BISHOP of Georgia.
H.R. 5591: Mr. MARIO DIAZ-BALART of Florida.
H.R. 5734: Mr. LATOURETTE, Ms. WATERS, Mr. MORAN of Virginia, Ms. BERKLEY, and Mr. BRALEY of Iowa.
H.R. 5793: Mr. BARRETT of South Carolina, Mr. RAHALL, Mr. CLAY, and Mrs. WILSON of New Mexico.
H.R. 5901: Ms. WATERS, Ms. BORDALLO, and Mr. DAVIS of Illinois.
H.R. 5923: Mr. BARRETT of South Carolina.
H.R. 5935: Mr. MCGOVERN.
H.R. 5942: Mr. MILLER of North Carolina.
H.R. 5946: Mr. BERMAN.
H.R. 5950: Mr. HONDA.
H.R. 5951: Mr. LOEBSACK.
H.R. 5954: Ms. ROS-LEHTINEN.
H.R. 5979: Mr. BOREN.
H.R. 6056: Ms. SCHAKOWSKY, Mr. MORAN of Virginia, and Mr. WILSON of Ohio.
H.R. 6066: Mrs. MCCARTHY of New York, Mr. HONDA, and Ms. WOOLSEY.
H.R. 6104: Mr. HINCHEY, Mr. CHANDLER, Mr. WILSON of Ohio, Mr. STARK, and Mr. PRICE of North Carolina.
H.R. 6110: Mrs. BLACKBURN and Mr. BURGESS.
H.R. 6256: Ms. GIFFORDS.
H.R. 6268: Mr. FILNER and Mr. STARK.
H.R. 6280: Mr. FEENEY.
H.R. 6293: Mr. HINOJOSA.
H.R. 6297: Mr. BLUMENAUER.
H.R. 6375: Mr. BERMAN.
H.R. 6408: Mr. FARR and Mrs. CAPPS.
H.R. 6461: Mr. MURTHA and Mrs. MCCARTHY of New York.
H.R. 6473: Mr. LARSON of Connecticut.
H.R. 6485: Mr. COSTELLO, Mr. RUPPERSBERGER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HOLT, Mr. SNYDER, Mr. MCINTYRE, Mr. ALTMIRE, and Mr. SPACE.
H.R. 6527: Mr. LATTA.
H.R. 6553: Mr. SALAZAR and Ms. DEGETTE.
H.R. 6566: Mr. LATHAM, Mr. LAHOOD, and Mr. GALLEGLY.
H.R. 6567: Mr. BLUMENAUER.
H.R. 6570: Mr. WEXLER, Mr. KIND, and Mr. LOEBSACK.
H.R. 6581: Ms. ROS-LEHTINEN.
H.R. 6587: Mr. LAHOOD.
H.R. 6594: Ms. WOOLSEY, Ms. HARMAN, Mr. HIGGINS, Mr. MILLER of North Carolina, Mr. SHULER, and Mr. ETHERIDGE.
H.R. 6645: Ms. JACKSON-LEE of Texas.
H.R. 6646: Mr. LAMBORN and Mr. ANDREWS.
H.R. 6654: Mr. MARKEY and Ms. SHEA-PORTER.
H.R. 6676: Mr. MCGOVERN.
H.R. 6691: Mr. MICA, Mr. GERLACH, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, and Mrs. WILSON of New Mexico.
H.R. 6696: Mr. COHEN.
H.R. 6725: Mr. MCNULTY, Mr. PORTER, Mrs. TAUSCHER, and Mr. WITTMAN of Virginia.
H.R. 6728: Mr. MEEK of Florida, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MICA.
H.R. 6734: Mr. DELAHUNT.
H.R. 6749: Ms. LEE and Mr. MOORE of Kansas.
H.R. 6763: Mr. SKELTON and Mr. ALTMIRE.
H.R. 6780: Mr. PAYNE.
H.R. 6783: Mr. BILBRAY.
H.R. 6786: Mr. BOREN, Mr. COLE of Oklahoma, Ms. FALLIN, and Mr. LUCAS.
H.R. 6789: Mr. BURTON of Indiana.
H.R. 6809: Mr. PORTER, Mr. WALZ of Minnesota, and Mrs. GILLIBRAND.
H.R. 6844: Mr. ENGLISH of Pennsylvania.
H.R. 6849: Mr. HOLDEN, Mr. HAYES, Mr. SHULER, Mr. BISHOP of Georgia, Mrs. GILLIBRAND, Mr. MCINTYRE, Mr. BUTTERFIELD, Mr. CHILDERS, Mr. JOHNSON of Illinois, Mr. WALZ of Minnesota, Mr. MAHONEY of Florida, Mr. BOSWELL, Mrs. BOYDA of Kansas, Mr. KUHL of New York, Mr. KAGEN, and Mr. BARROW.
H.R. 6864: Mr. LOBIONDO, Mr. SAM JOHNSON of Texas, Mr. BUCHANAN, Mr. GALLEGLY, Mr. BROUN of Georgia, Mr. SOUDER, Mrs. DRAKE, Mr. WALDEN of Oregon, Mr. STEARNS, and Mrs. MUSGRAVE.
H.J. Res. 79: Ms. JACKSON-LEE of Texas.
H. Con. Res. 342: Mr. MARCHANT.
H. Con. Res. 362: Mr. LATTA.
H. Con. Res. 378: Mr. HELLER, Mr. MCGOVERN, Mrs. BLACKBURN, Mr. SCOTT of Virginia, Mr. DEAL of Georgia, Mrs. BOYDA of Kansas, and Ms. ESHOO.
H. Con. Res. 388: Mr. HOYER and Mr. MARSHALL.
H. Con. Res. 393: Mr. BARTON of Texas and Mr. ALLEN.
H. Con. Res. 405: Mr. PRICE of North Carolina.
H. Res. 101: Mr. PASTOR.
H. Res. 671: Mr. FARR, Ms. SUTTON, and Mr. HIGGINS.
H. Res. 758: Mr. BOOZMAN.
H. Res. 985: Mr. FEENEY.
H. Res. 988: Mr. PICKERING, Mr. MCGOVERN, Ms. SUTTON, Mr. NADLER, Ms. BEAN, Mrs. BONO MACK, Mr. COHEN, Ms. BERKLEY, and Ms. BORDALLO.
H. Res. 1042: Mr. COURTNEY, Mr. PORTER, Mr. MACK, Ms. DELAURO, and Mr. GORDON.
H. Res. 1064: Mr. DELAHUNT.
H. Res. 1328: Ms. SUTTON and Mr. BISHOP of New York.
H. Res. 1333: Mr. CAPUANO, Mr. DELAHUNT, Mr. NEAL of Massachusetts, Mr. COHEN, Mr. LOEBSACK, Mr. JOHNSON of Georgia, Mr. YARMUTH, Ms. WASSERMAN SCHULTZ, Mr. LEVIN, Mr. KAGEN, Ms. DELAURO, and Ms. RICHARDSON.
H. Res. 1335: Mr. HALL of New York, Ms. MOORE of Wisconsin, and Mr. FILNER.
H. Res. 1338: Mr. FILNER, Ms. JACKSON-LEE of Texas, and Mr. HINCHEY.
H. Res. 1352: Mr. MEEKS of New York and Mrs. MCCARTHY of New York.
H. Res. 1375: Ms. BORDALLO.
H. Res. 1377: Mr. FILNER.
H. Res. 1386: Mr. MARCHANT and Mr. WOLF.
H. Res. 1392: Mrs. BACHMANN, Ms. PRYCE of Ohio, Ms. GINNY BROWN-WAITE of Florida, Ms. BORDALLO, and Mr. ALLEN.
H. Res. 1397: Ms. BORDALLO, Mr. LEWIS of Georgia, Mr. GRIJALVA, Mrs. BOYDA of Kansas, and Mr. MCGOVERN.
H. Res. 1411: Ms. BORDALLO, Mr. MCGOVERN, Ms. MATSUI, and Mr. STEARNS.
H. Res. 1414: Mr. GALLEGLY, Mr. SMITH of New Jersey, Mr. BOUSTANY, Mr. HINCHEY, Mr. KIRK, and Mr. KAGEN.
H. Res. 1420: Mr. BOEHNER.
H. Res. 1421: Mr. WATT, Mr. COBLE, Mr. ETHERIDGE, Mrs. MYRICK, Mr. HAYES, Mr. PRICE of North Carolina, Ms. FOXX, Mr. MCINTYRE, Ms. BORDALLO, Mr. CONAWAY, Mr. GOODE, Mr. BAIRD, Mr. GILCHREST, Mr. UDALL of Colorado, Mr. PEARCE, Mr. LOEBSACK, Mr. HUNTER, Mrs. MCMORRIS RODGERS, Mr. SNYDER, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mr. TAYLOR, Mr. MILLER of Florida, Mr. TIAHRT, and Mr. WITTMAN of Virginia.

PETITIONS, ETC.

Under clause 3 of rule XII,

307. The SPEAKER presented a petition of Mr. DENNIS J. KUCINICH, Member of Congress, relative to the impeachment of the President, pursuant to the Constitution of the United States; which was referred to the Committee on the Judiciary.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 17, September 11, 2008, by Mr. CHRIS CANNON on the bill (H.R. 6211), was signed by the following Members: Chris Cannon, Rob Bishop, David Dreier, Paul C. Broun, Nathan Deal, Jack Kingston, Phil English, Elton Gallegly, Joe Wilson, Judy Biggert, Mary Fallin, Ron Lewis, Bill Sali, Henry E. Brown, Jr., K. Michael Conaway, Louie Gohmert, Michael T. McCaul.

Petition 18, September 11, 2008, by Mr. STEVAN PEARCE on the bill (H.R. 5868), was signed by the following Members: Stevan Pearce, Duncan Hunter.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6 by Mr. BOUSTANY on House Resolution 1025: Marilyn N. Musgrave.

Petition 12 by Mr. ROSKAM on the bill (H.R. 2208): Ginny Brown-Waite.

Petition 15 by Mrs. BACHMANN on the bill (H.R. 6107): Ginny Brown-Waite.

Petition 16 by Mr. PORTER on the bill (H.R. 6108): Ginny Brown-Waite.

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PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

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Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by Father Daniel Coughlin, Chaplain of the U.S. House of Representatives.

The guest Chaplain offered the following prayer:

Let us pray.

Lord God, Creator of all and Savior of those who put their trust in You, in this era of post-9/11, we pray that the children of this generation and their children's children may never experience another day like the one that is commemorated in various ceremonies across the Nation today. Protect and guide this Nation to a new security built upon human integrity and communal solidarity and the love of human freedom and human dignity. Empower the Senate of the United States and governments around the world to establish just laws and seek the common good that will lead to ways of equity and peace. Let our children dream dreams, equip themselves with the best education possible, and become the creative leaders of tomorrow, because they are attuned to Your holy will and give You glory now and forever.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 11, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting Democratic leader is recognized.

SCHEDULE

Mr. BROWN. Mr. President, following leader remarks, there will be a period of morning business with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first 30 minutes, and the majority controlling the next 30 minutes. Following morning business, the Senate will resume consideration of S. 3001, the Department of Defense Authorization Act.

Today, there are a number of events to commemorate the seventh anniversary of the attacks of September 11, 2001. There will be a bipartisan, bicameral congressional ceremony at 11:45 on the west front steps of the U.S. Capitol and there will be a moment of silence at 12:30 p.m. in the Senate Chamber.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SEVENTH ANNIVERSARY OF SEPTEMBER 11, 2001, TERRORIST ATTACKS

Mr. MCCONNELL. Mr. President, the horror of September 11, 2001, is still very fresh in our minds. This day will always be a sad one for Americans.

It also has become a day of solemn pride as we remember the tremendous heroism and self-sacrifice of so many in New York, at the Pentagon, and on a plane over Shanksville, PA.

Later this morning, the Senate will take time to remember, and it is fitting that we do so. It is fitting that we should pause as a body and as a nation to remember the victims and their families, as well as the heroes, and to remind ourselves of the dangers we still face.

Mr. President, I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction 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, and with the Republicans controlling the first half of the time and the majority the second half.

The Senator from Missouri is recognized.

Mr. BOND. I ask unanimous consent that I be recognized for 15 minutes and that I be advised when 13 minutes of that time has expired.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. BOND pertaining to the submission of S. Res. 655 are located in today's RECORD under ''Submitted Resolutions.'')

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

COMMEMORATING SEPTEMBER 11, 2001

Mr. SESSIONS. Mr. President, it is important that we commemorate today, the seventh anniversary of the terrorist attacks on September 11, 2001. This Nation and the world should also remember that the first battle of the war against terror started in the skies over this country, and it was started not by the military but by an average group of American citizens who, by fate, found themselves on Flight 93, which had taken off from New Jersey, headed to San Francisco, CA. When they, as a group, figured out their plane had been taken over by terrorists who planned to use that plane and the passengers in it as a weapon of mass destruction against the Capitol of the United States, they did an extraordinary thing: This group of average citizens made a battle plan and executed that plan against America's enemies. This exceptional group of Americans knew they were risking and sacrificing their lives to stop an attack on America, which, in fact, was on the White House or this very building we are in today—this very building, the U.S. Capitol. The passengers of Flight 93 faced their enemies without hesitation and brought that plane to the ground in Shanksville, PA. That action was the opening battle in the war against terror.

Today, people are gathering in New York City at Ground Zero, where the World Trade Towers once stood so proudly. People will gather here in the Nation's Capital. This morning, the President observed a moment of silence on the White House lawn and then joined those gathering at the Pentagon, at the site where Flight 77 crashed, to dedicate a memorial to those who died in that building—a building that symbolizes the American military, the greatest fighting force in the world.

This remembrance is not just taking place in New York and in our Nation's Capital, it is taking place all across our Nation. Certainly, we are not alone in mourning the 2,975 people—citizens from more than 90 nations—who died in the terrorist attacks. So our allies and friends mourn with us.

These attacks carried out on September 11 changed the way we view our world. Many Americans, for the first time, felt vulnerable. While it was not the first terrorist attack on America, it was the largest on our soil since Pearl Harbor. So it is critically important to note that this attack wasn't an isolated incident but a carefully planned operation that was part of al-Qaida's war on America. Bin Laden had already declared war on America publicly. It was, at its foundation, an attack based on a belief that America was corrupt, decadent, and lacked the courage or the will to vigorously defend its very existence.

They were wrong. The attacks that led up to that day—I will just make a note of them—the attacks that led up to that event were:

In 1983, there was an attack on the Marine barracks in Beirut, Lebanon, that killed 241 American servicemen.

In 1985, the cruise ship *Achille Lauro* was hijacked by terrorists, and a 70-year-old American passenger was murdered and thrown overboard in his wheelchair.

In 1985, TWA Flight 847 was hijacked at Athens, and a U.S. Navy diver trying to rescue fellow passengers was murdered.

In 1988, Pan Am Flight 103 was bombed, leaving 270 dead.

In 1993, al-Qaida operatives attacked the World Trade Center and bombed it, killing 6 people and injuring 1,042. In June of 1996, 19 American servicemembers were killed, with 372 wounded, in the Khobar Towers barracks attack in Saudi Arabia.

In 1998, the U.S. Embassies in Kenya and Tanzania were bombed, killing 223 and wounding thousands.

On October 12, 2000, while a warship of the United States of America, the USS *Cole*, was harbored in the Yemeni port of Aden for a routine fuel stop, a small craft approached and detonated their payload, putting a 40-by-60-foot gash in the ship's port side, killing 17 American sailors.

All of that occurred before the hijacking of those four planes on September 11, 2001. Since that day, while there have been attacks on England, Spain, and around the world, there have been no further successful attacks on the United States.

Even though we are in an election campaign, it is important for us not to forget that the failure of al-Qaida to launch another attack on us is not due to the terrorist organization's relinquishing their objective, renouncing their goal of killing Americans and disrupting our lives and economy, but it is a testament to the vigilance of our law enforcement and military officials and President Bush's bold decision to stop sitting back, stop being on the defensive, and to treat these attacks for what they were—part of a war against the United States. He firmly declared that we should go after these terrorists and any who harbor them and utilize deadly force where necessary. This strategy has worked. No successful attacks have occurred since that time on our homeland. I don't think any of us would have felt that was likely the case, or would be the case, on September 11, 2001, even though I think all of us, as a nation, agreed it was time to move on the offensive. That is the best way to defend our great country.

Since September 11, 2001, 19 attacks have been thwarted in various stages of preparation. This chart is difficult to read, but the red lines across it indicate some of the successful interventions and defeats of terrorist plans. I will just mention those.

In December 2001, Richard Reid attempted to blow up an airplane headed to Miami from Paris, using explosives in his shoe.

In May 2002, Jose Padilla, who was charged with conspiring with Islamic terrorist groups, planned to set off a dirty bomb in the United States.

In September 2002, the Lackawanna Six from Buffalo, NY, were arrested and charged with conspiring with terrorist groups.

In May 2003, Lyman Faris, a naturalized U.S. citizen from Kashmir living in Columbus, OH, was arrested for plotting the collapse of the Brooklyn Bridge.

In June 2003, a Virginia jihad network, involving 11 men from Alexandria, was arrested for conspiring to support terrorists.

In August 2004, members of a terrorist cell were arrested for plotting to attack financial institutions in the United States and other sites in England.

In August 2004, two men were arrested for plotting to bomb a subway station near Madison Square Garden in New York.

In August 2004, two leaders of an Albany, NY, mosque were charged with plotting to purchase a shoulder-fired grenade launcher to assassinate a Pakistani diplomat in New York.

In June 2005, a California father-son terrorist team was charged with supporting terrorism.

In August 2005, four men in Los Angeles were accused of conspiring to attack National Guard facilities in Los Angeles and other targets in the area.

In December 2005, Michael C. Reynolds was arrested by the FBI and charged with being involved in a plot to blow up a Wyoming natural gas refinery.

In February 2006, three men from Toledo, OH, were arrested and charged with providing material support to a terrorist organization.

In April of 2006, Atlanta natives were accused of conspiring with terrorist organizations to attack targets in Washington, DC.

In June of 2006, seven men were arrested in Miami and Atlanta and charged with plotting to blow up the Sears Tower in Chicago, as well as FBI offices and other buildings.

In July 2006, 10 people were arrested after the FBI discovered a plot to attack underground transit tunnels in New York.

In August of 2006, British authorities stopped a plot to load 10 commercial airliners with liquid explosives and attack sites in New York, Washington, and California. Fifteen men were charged.

In March 2007, a senior operative for Osama bin Laden already in custody

confesses to have planned September 11 attacks and said he also planned attacks on Los Angeles, Chicago, New York, and other sites.

In May of 2007, six men were arrested and charged with plotting to attack soldiers at Fort Dix, NJ.

In June of 2007, four men were charged with plotting to blow up jet fuel in a residential neighborhood near JFK Airport in New York.

It is quite clear that it is imperative this Nation continue to be vigilant and keep these terrorist groups off balance, to keep our homeland and our allies secure.

I believe as the years go by, history will view the efforts of the U.S. Government favorably in keeping its citizens safe after the attacks on September 11, 2001.

President Bush made a bold decision. He took decisive action. A reorganized intelligence community that Senator BOND talked about was put in high gear and has dramatically improved our intelligence concerning terrorist groups. We were not where we should have been. We are still not, but we are dramatically improved. The FBI has dramatically changed its mode of operation from mere investigation after an attack to preventing further attacks. Unprecedented cooperation with and assistance from State and local law enforcement has raised our defensive capabilities and our intelligence-gathering networks manyfold. It is tremendous the improved relations we have with State and local law enforcement, and there are many more of those officers than there are Federal officers.

For 7 years, we may thank the Lord and the hard work of so many that this Nation has remained free from terrorist attack. Will it continue? We may all pray that it will, but we know we remain at risk. We know for decades to come there will be some in this world who are willing to even give their lives to attack free nations around the world.

We must remain vigilant. We must not forget what we have done wrong in the past, how we refused to recognize the reality of the threat, as the 9/11 Commission so clearly reported. But we must also not forget how going on the offensive, destroying the bases of operation of the radical Islamic networks, of attacking their military infrastructure, of attacking their soldiers, of capturing thousands and killing thousands of their operatives has made us safe and have put the terrorists on the defensive.

Despite what some say, these efforts have gained worldwide support. The terrorists are losing support throughout the world. Al-Qaida made Iraq the central front against the United States and poured people into that country. But they made a bad decision to challenge the magnificent, courageous, and lethal U.S. military.

Recent reports have declared that al-Qaida in Iraq has been decimated. There may still be some left, but the power of that network that 2 or 3 years ago existed has been decimated today, most experts say.

So let's remember what we have done right. Also, we must keep these efforts up because it may well take decades before we will be victorious in this effort. If we remain firm, if this Nation continues to be smart, determined, and dedicated, their doom is sure. This group cannot defeat us. They may succeed with an attack here, they may succeed with an attack there, but if we have the will, if we have the courage, if we have the maturity, if we have the determination to remember those heroic people who started this war defending this very Capitol Building, who gave their lives in Pennsylvania for us—and we will honor their memory and honor the memory of those in New York City and honor the memory of those in the Pentagon and on the ship, the USS *Cole*—we will honor them by being firm, being faithful. We will be successful.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

SEVENTH ANNIVERSARY OF THE 9/11 ATTACKS ON AMERICA

Mr. BROWN. Mr. President, 7 years ago today 19 people conspired to kill nearly 3,000 people in our country. It was by far, as we know, the most deadly civilian attack ever carried out on American soil. The images and sounds from that fateful morning continue to haunt us. As we continue to mourn those lost that day, today flags fly at half-staff in their honor. They were men, they were women, they were children, they were people of various nationalities and faiths. They were firefighters and police officers and emergency medical services personnel. They were investment bankers and convenience store clerks. They were attendants and pilots.

Four of the victims were Ohioans: Wendy Faulkner from Mason; William David Moskal from Brecksville; Christina Ryook from Cleveland; LTC David Scales from Cleveland.

We should remember these names represent lives cut needlessly short. We should remember the families who will forever miss them. We should remember the EMS personnel, the police officers and firefighters who responded to the attack when these names represented perfect strangers—perfect strangers whose circumstances met the simple criteria first responders use to determine when to take action: Someone needs help.

Hundreds of first responders risked and, in many cases, sacrificed their own lives to save others. So many of them died, so many of them were injured, so many of them have suffered illnesses as a result of their actions.

First responders in Ohio and all across this country continue to stand at the ready every day, ready to protect our families, ready to protect our communities at a moment's notice, and every day in this country they are there when buildings burn, when accident victims need treatment, when expectant mothers go into labor unexpectedly, when citizens need rescue. When other civilians are running away, they are running in.

It is nearly impossible to see today's date and not think back on the attacks of 7 years ago. But let's be sure to do more than to recount the images, the sounds, and the conversations that define our own personal experience of September 11.

Let's also remember and honor the heroic first responders, the innocent victims, and the victims' families left behind. Let's never, Mr. President, forget.

I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

Mr. DURBIN. Mr. President, this morning 7 years to the minute since the terrorist attacks on the Nation, I attended the inauguration and dedication of the Pentagon Memorial. There have been countless personal memorials over the years. The Pentagon Memorial is America's first national memorial to those who died on that heartbreaking day. It is a beautiful, peaceful patch of land on the very spot where American Airlines flight 77 smashed into the west wall of the Pentagon. In that quiet place, there are 184 stainless steel benches, one bench for each of the 184 innocent victims who died at the Pentagon and on that plane that struck it 7 years ago today.

Thousands of people were at that ceremony this morning marking the dedication and opening of the Pentagon Memorial. They, of course, included the President and Vice President, the Cabinet, leaders in Congress, top military leaders, scores of Members of Congress, along with the survivors of the Pentagon attack and rescue workers who were the true heroes of the day. Most poignantly, we were joined by hundreds of husbands, wives, brothers, sisters, sons, daughters, friends of the loved ones who perished at the Pentagon.

While 9/11 comes once a year, for 9/11 families, every day brings painful reminders of what and whom they have lost. Their pain is still heartbreaking.

It was the families of the Pentagon victims who spearheaded the effort to create the Pentagon Memorial. We all hope they can find some measure of peace and comfort in their fine work in the creation of this memorial.

Yesterday afternoon I had a chance to visit in my office with a man with a small company near Chicago, IL, who worked for over a year to finish and polish the 184 stainless steel benches that make up the Pentagon Memorial. He lives and works in Elk Grove Village in Arlington Heights, and his name is Abe Yousif.

Abe came to America 29 years ago from Iraq. Abe's beautiful wife Angela moved to America 27 years ago, also

from Iraq. The 23 employees of their little company, many of them are immigrants, too, from Mexico, Bosnia, and many other countries.

For more than a year, they have worked for this day when there would be an official opening of this Pentagon Memorial. Their job was to take these raw metal benches, 184 of these benches, and polish them as smooth as glass. Abe calculated for me the amount of time he and his employees put into this work. They worked nearly 17,000 hours grinding and polishing these stainless steel benches, transforming them into perfectly uniform, flawlessly smooth memorials.

Abe and his workers hoped that by making each bench perfect, they might be able to give something back to a country that has given them so much. They hope that the calm, clear lines of their work might bring a sense of healing to a wounded nation and bring some beauty to a place scarred by tragedy.

Many people will look across this memorial. They will see these finely polished stainless steel benches and assume somewhere there was a machine that just churned them out. No, it was the hard work and sweat of Abe Yousif and his employees who took this on not just as another project but as a project of love.

When I think of 9/11, I recall, as every American does, what I was doing. I was just a few steps away from here in the Capitol Building in a meeting of the Democratic leadership with Senator Tom Daschle. The meeting had just started when we heard about the planes crashing into the World Trade Center in New York.

As the meeting continued, Tom was handed a note that we were going to have to evacuate the Capitol. We looked down The Mall toward the Washington Monument and saw black, billowing smoke coming from across the river. We didn't know what happened. We thought perhaps a bomb had been detonated. In fact, it was American Airlines flight 77 that crashed into the Pentagon causing so many deaths of so many innocent people.

We evacuated and raced to the yard outside the Capitol, people milling around not knowing where to turn. We heard the sonic booms from jets that were being scrambled and wondered if there were detonation of bombs or something worse. We just didn't know.

One of the staffers I had at that time was Pat Sargent. Pat is an officer in the U.S. Army. Occasionally, the Army will detail some of its professionals to work on Capitol Hill for a short time. Pat was terrific, one of our best employees. But he had a special interest in the Pentagon that day because his wife Sherry, also in the U.S. Army, was working there.

When Pat heard about the smoke and damage at the Pentagon, he raced out to catch the last commuter bus that runs between Capitol Hill and the Pentagon, the last one to make it across the bridge. He was desperate to find his wife.

He went there, and there was a sea of humanity, of people who evacuated the Pentagon lined up on the hills around it. He searched and searched until he finally found her, and she was safe. That was the good news of the day, along with the tragedy that so many of her fellow workers had died.

Sherry had been in the room near the spot where that plane crashed. She lingered for a moment to watch the scenes of New York on television while some of her fellow workers went back to their desks. Those workers perished when the plane crashed into the Pentagon. She was spared.

Of course, they appreciate the heroism of those who responded, and all the memorials that were given to this country, but I want to give a special tribute to Pat and Sherry and their daughter Samantha for their dedication to this country. You see, when Pat left my office, he continued to serve in the U.S. Army. He is in Iraq today in a command position with major responsibilities for the medical care of our troops and the people of Iraq. He is a true American hero, as is his wife. They have given so much to this country.

I thank the Lord that they were spared that day; that they were able to continue in their service to the country, along with so many others, but I do remember those who worked right alongside her who were not so fortunate. That is what our gathering was about today. Every year on September 11 we remember the horror and shock of that day and the grief that followed. But we remember something else. We remember the tremendous sense of unity that enveloped our Nation.

Buck O'Neill was a man who was legendary in the Negro League as a baseball player. Of course, in those days, a Black man couldn't make it to the majors. He became a scout for the Chicago Cubs and signed, among other people, Hall of Famers Ernie Banks and Lou Brock. In 1962, he became the first African-American coach in Major League Baseball history. He wrote a newspaper column. He has passed away now, but he wrote a newspaper column about a year after the 9/11 attacks, and he said:

> One thing about it is, the attacks brought us together. For a little while there after September 11, it didn't matter if you were Democrat or a Republican. It didn't matter if you were white or black. Yeah. We were Americans. We gave blood. We gave money. We cried. We all cried. That's the America we can be. This is a wonderful country.

He remembered from his youth some hateful things that were done to him because of his race. He said:

> When I was a young man, I used to see the way hate ripped this country apart. A man would hate me just for the color of my skin. I didn't feel angry. I felt sorry for that man. I wanted to say to him ''Don't you know how great America would be if we could all just get along?'' That's what I saw after September 11. We all got along. I wish we could hold on to that feeling.

There were strong emotions today at the Pentagon, I am sure in New York, in Pennsylvania, and across the Nation as we remembered the seventh anniversary of 9/11. But let us remember 9/12. Let's remember this Nation when it did come together with its allies around the world, the strength that we felt here at home, and the projected strength we felt around the world. Those days can return, and they should return. It is up to each and every one of us, whether we are elected officials or people going to work every day to raise a family, to do our best to make that spirit of coming together after 9/11 return.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise today to commemorate those whom we lost on September 11 of 2001, to remember how our Nation responded to the pain we felt that day with a towering display of heroism, and to urge us to rededicate ourselves to making sure we never have to experience terror on our soil again.

That day, the families and friends of nearly 3,000 Americans got the worst news imaginable, and almost 700 of them were from my home State of New Jersey. They were from all walks of life. We lost mothers, fathers, and children. Brothers lost their sisters, neighbors lost their friends. Today in New Jersey, you can go from town to town—from Englewood to West Windsor, Toms River, Mantua, and Hoboken—and you can see a ceremony in each one. Families in those towns are laying flowers on the gravestones and monuments and holding tightly one more time onto the pictures of the ones they lost.

So many communities were affected in so many ways, not the least of which was the American community. It felt as if it was a day when there were no borders between us. Terrorists tried to engulf us in the smoke of fear and hatred. For a moment, we felt like the whole world went dark. But the light of heroism burst through. Individuals rushed into burning buildings risking their lives to save others, strangers opened their homes to help people they didn't even know, and men and women all over the country rushed to give whatever they could to help those in need.

It was a day when we learned the meaning of Oscar Wilde's words when he said: ''Where there is sorrow, there is holy ground.'' It was a day when it didn't matter what part of the country you came from, what your family background was, or anything else. It was a day when we all stood together as Americans. People from all over the world said: We are Americans today.

There was a time when the events of September 11, 2001, gripped us so strongly that our minds couldn't focus on anything else. Yet 7 years later, we

have to talk about the dangers of forgetting. We have to talk about the dangers of forgetting, because 7 years later our obligations have not gone away.

Our obligations have not gone away to those whom we lost, and to their families and those who survived the attacks but came away injured. For them, it has been a long and heroic struggle to get by and find some sense of normalcy. People who ran out of burning buildings, the firefighters, EMTs, and other rescue workers who ran in, all breathed thick air as they were saving lives. Today, they are reminded of what they have to face with literally every breath they take. We think about them very deeply today, but those heroes triumph every day. Their supply of courage has never run out, and we can never walk out on them.

So not forgetting means caring for those whom we lost, and their families, and remembering them. But it also means caring for those who were made ill because of the attacks. Not forgetting means supporting all the heroes, paid and volunteer, who risked their lives to save others. Not forgetting means securing our ports, chemical and nuclear plants, so we don't have to experience another horrendous tragedy in the future, getting Federal grant money to our communities based on the risks they face, getting firefighters the funding they need for new equipment and increased personnel, and making sure our first responders can talk to each other during an emergency. And let's be very clear: Not forgetting means destroying the terrorist network that planned the attacks and bringing those responsible to justice.

Today, September 11 of 2008, we remember what has been lost, and we find strength in what we still have. No amount of time can ultimately heal what has been seared into our hearts and minds since September 11, 2001. But those wounds continue to drive us to make sure that no New Jersyan, no American ever has to experience them again. If we come together now, as we did on one of the darkest days of our history, then I believe our future can be filled with security, prosperity, and hope. On this day in which we remember that darkest day, we can see the light and our brightest days are yet to come.

Once again, my thoughts and prayers go out to the 700 New Jersyans who were lost on that fateful day, for their families who live with this for the rest of their lives and for which this day has an incredible resonance in their lives far beyond what anyone can imagine. But for votes here in the Senate, I would be in New Jersey today, and I wanted to take to the floor to let them know that we are one with them on this most sacred day.

CONCLUSION OF MORNING BUSINESS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that all time for morning business be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered. Morning business is 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 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 the bill), of a perfecting nature.

Reid amendment No. 5294 (to amendment No. 5293), of a perfecting nature.

Mr. NELSON of Nebraska. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the previous order with respect to the prohibition on a motion to proceed remain in effect during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. 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. SESSIONS. 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. SESSIONS. Mr. President, we had an announcement yesterday by the Secretary of Defense on the procurement question for the tanker for the U.S. Air Force that is very disturbing and disappointing to me. Basically, the history of that was that the Secretary and the U.S. Air Force had evaluated the two competing bids and had selected the Northrop team's bid as the best aircraft and best buy for the country.

The GAO, Government Accountability Office, reviewed that and said the Air Force had made errors. I did not think great errors, but they said there were errors and they ought to review the process. The Secretary of Defense said he, in effect, was disappointed those errors had occurred and he personally would take the process under the Department of Defense's jurisdiction and he would direct individuals to evaluate the two bids and to make a decision on what the best aircraft would be and the best buy for the American warfighter.

Remember that the Air Force had declared that replacing the 50-, 60-year-old tanker fleet was their No. 1 priority in the entire U.S. Air Force. For those of us who know about the Air Force and know how much they like fighters and those kinds of aircraft, for them to say that was a significant thing. So we were proceeding along that path. Secretary Gates said he was going to do it fairly and objectively, and he would do his best to complete the process by the end of the year. So his announcement yesterday that they could not complete it at the end of the year, that there has been controversy about this, and that he would, therefore, put it off and cancel the bid process and let the next Congress and next President deal with it was a bad mistake. It was contrary to what he had said in the country needed to be done a few months ago.

I think this is a matter he made a mistake on. I respect Secretary Gates. I was pleased when he stood up and said: We need this tanker. We need to get this done. We are going to get it done. I am personally going to be responsible to ensure it is done right and fair. Then, to walk away from that, and to leave the impression the reason that occurred was because of a political brouhaha going on, and Members of Congress fussing here and there and making comments was doubly disturbing.

My view has always been the Department of Defense ought to pick the best aircraft, and I thought they had when they chose the plane they did. I will note the aircraft Northrop Grumman/EADS had offered was 16 years newer than the aircraft Boeing had submitted, it would have much more capabilities, and was a better aircraft. That is what it was, and that is how it was selected. The Northrop team submitted a very frugal bid, and even though it was an aircraft that had more capabilities, it was very competitive or lower on price. So I thought we were heading in the right direction.

I will note for the record I was involved in this early on. When Senator MCCAIN questioned a lease agreement that was entered into with the Boeing company, he felt something was not healthy there and he objected. It was going to release 60 of these aircraft. They had not been bid. It was a sole-source contract. It did not go through the Armed Services Committee. But it was actually done through the Appropriations Committee without the

Armed Services Committee studying the issue or looking at it. After all that happened—and it is unfortunate people went to jail over it in the Air Force, and others—we ordered, the Congress did, that a bid process take place. There were two bidders. Only two entities could supply this kind of aircraft. The Air Force selected the one they thought was best.

Some people did not like that, and we had a big fuss, and now we are at a position where we could literally be looking at a delay of 2 or 3 more years. It has already been delayed about 7 years. This is very disturbing and very concerning to me ultimately because the Air Force is going to be further delayed, substantially, in a new aircraft being chosen and put into the fleet. It can save money in the long run because it will be newer, require less upkeep and maintenance, carry more fuel, and it has more capability. It can do the work of three airplanes at once.

I know Senator WARNER and others on our committee, when this issue arose—Senator LEVIN and Senator MCCAIN—felt that a bid was the right thing to do. We ordered that we pass legislation to do that. I am sorry the Defense Department seems to have given up and punted it. Many are estimating this could result in a delay of 3 years before the matter comes to a conclusion now.

Mr. WARNER. Mr. President, if the Senator will yield, actually it was a series of appropriations. The committee approved it in the House and the Senate—the House Armed Services Committee. When it came to our committee—at that time I was the chairman—we decided this contract was not right, and a lot of work subsequent to that has been done to try to correct it. The Deputy Secretary of Defense contacted me yesterday. I look upon this latest development with some concern because this airplane is needed for the U.S. inventory.

But I thank the Senator for his support through the years. It was our committee that stopped that contract which we felt was faulty at that time, and the rest is history.

Mr. SESSIONS. I could not agree more, I say to Senator WARNER. I thank the Senator for his leadership at that time. Basically, it did point out, did it not, I ask Senator WARNER, that the authorizing committee is a valuable committee and that those kinds of major programs should be taken through the committee of authorization? Would the Senator agree to that as a matter of historical perspective here in the Senate?

Mr. WARNER. Mr. President, I share the views of my distinguished good friend.

Mr. President, I have been informed—and I will await the leadership to make the formal announcements—but I do believe we are going to move to some votes, hopefully, this afternoon on our bill.

Mr. SESSIONS. Very good.

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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I further ask that at the hour of 12:30, the Chair declare a moment of silence.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOMENT OF SILENCE FOR THE VICTIMS AND FAMILIES OF THE SEPTEMBER 11, 2001, TERRORIST ATTACKS

The PRESIDING OFFICER. Under the previous order, the Senate will observe a moment of silence in memory of the victims of the September 11 attacks.

(Moment of silence.)

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. 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. SCHUMER. I ask unanimous consent to be recognized and speak for a moment on this day, 9/11.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, we just commemorated a moment of silence for those who were lost on 9/11. Of course, for the husbands and wives, sons and daughters, fathers and mothers and friends, that moment of silence, in a sense, lasts every day, every moment.

In New York, of course, we lost close to 3,000 people. Some people I knew—a person I played basketball with in high school; a firefighter I was close to and worked with to encourage people to donate blood; a business man who helped me on the way up; the range of people who were lost in every walk of life, every ethnic group, every profession, in every way of thinking. The enormity still, 7 years later, is hard to have it sink in. Furthermore, when one thinks of just the uselessness of this tragedy, it is even more confounding.

There are many things to say in the advent of 9/11 that would be relevant on this floor, but today is not the day for that. Today we just think and remember and try to do everything we can to give solace to those we know who mourn and will mourn for the rest of their lives the senselessness of this tragedy that took loved ones from them.

So I just wish to say to those who do walk around with holes in their hearts as a result of 9/11: We will never forget.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, if I may just for a moment echo the comments of the Senator from New York, this morning I watched on television the ceremony at the Pentagon. As I watched the calling of the names, a photo flashed on the screen of each individual. What you saw were young military men, you saw a lieutenant colonel, you saw the faces of whole families wiped out, young people, older people, you saw every race. In a sense, when you looked at the benches and the water flowing under the benches and the maples that will grow around them, as you listened to the sad song of the pipers, you realized what a great country this is and how we respect every single human life and how important that is; also, how important it is that the message remain true, that the message remain full of heart but also full of vigilance that this must never happen again in our homeland.

So I wish to join Senator SCHUMER and send our best wishes, our sympathy, our sorrow to these families 7 years later, and our thanks to those who gave their lives in the Pentagon.

I had a chance to sit down with the family of a captain of the American Airlines plane that flew into the Pentagon. It was very revealing because at the time they were convinced it was the heroic gesture of this captain in turning the plane away from the U.S. Capitol that played a role. I want them to know that I was thinking of them both during the Pentagon ceremony and the ceremony in front of the Capitol.

So all those victims remain in our hearts and in our minds, and we consecrate ourselves to work on their behalf.

Thank you very much, Mr. President.

Mr. DOMENICI. Mr. President, I rise today to pay tribute to the innocent Americans who were killed in the terrorist attacks of September 11, 2001. I ask that we commemorate the emergency responders who provided relief in the aftermath of the attacks. I also ask that we salute our brave men and women in uniform who have volunteered to serve their country in this time of need. Not to be forgotten are the families who support our troops and the families who lost loved ones on this tragic day; to them we must also pay tribute.

We should continue to remember the family of Al Marchand from Alamogordo, NM, a flight attendant on United Airlines flight 175 and one of the first casualties on that horrific day. He and his family remain in my thoughts and those of my fellow New Mexicans. Since that day, many New Mexicans have volunteered to serve their country by entering the ranks of our Armed Forces. Some of these brave men and women today live with the injuries and scars they received in this fight. Sadly, some lost their lives in

this war to protect our way of life. I pay tribute to Army SSG Kevin C. Roberts of Farmington, NM, and Army SGT Gary D. Willett of Alamogordo, NM, the two most recent casualties from New Mexico in the ongoing global war on terror.

Seven years have passed since al-Qaida terrorists struck our homeland. Yet even after 7 years, threats against our country still exist. We must continue on with vigilance and remain dedicated to the protection and security of our great Nation. Even now, the images and shock of that day are still with me. And while I am, years later, still saddened by our losses, I am also heartened by all the heroic acts of our citizens in what was the most shocking attack on our homeland. In the months following the attacks, our brave men and women in uniform toppled the regime in Afghanistan that provided a base of operations for the terrorists who carried out the 2001 attacks. We helped that country establish a democratic government and are working with allies in NATO to bring peace and stability to a country that has spent much of its recent history in the mire of civil war. It is a dangerous mission that continues today.

One of the important lessons that political and military leaders learned from the 2001 terrorist attacks was that America cannot stand by idly as threats to its security develop far from our shores. This required our intelligence and law enforcement agencies to work with friends and allies around the world and with each other to gather actionable intelligence that would help us disrupt terrorist plots at home and abroad. To help consolidate our domestic defense system, the Congress created the Department of Homeland Security. The Department of Homeland Security was organized to prevent attacks within the United States, reduce America's vulnerability to terrorism, and to minimize the damage and assist in the recovery from terrorists' attacks in America. The Congress also followed the recommendations of the National Commission on Terrorist Attacks Upon the United States—the 9/11 Commission—and passed historic legislation that reformed the agencies that make up our intelligence community. While these reforms were important and necessary, the disruption of a recent plot to hijack planes flying from London to the United States, shows us that our enemies are still bent on bringing terror into our cities.

Many of my fellow citizens from the State of New Mexico have contributed to strengthening our defenses in the global war on terror. An urban rescue team traveled from New Mexico to Virginia to help recover survivors from the ruins at the Pentagon. Sandia and Los Alamos National Laboratories helped identify the strains of anthrax that were found in government and office buildings shortly after the terrorist attacks. They helped develop a biological threat detection system that was deployed at the 2002 Winter Olympics, the 2004 Summer Olympics, and in locations around our Nation's Capital. The National Labs have also been at the forefront in developing tools to detect and dispose of materials that can be made used as a ''dirty bomb'' or other weapon of mass destruction. Finally, the National Infrastructure and Analysis Center, NISAC, is being used to develop response strategies for government officials and first responders for large and complex crises.

Over the past 7 years, we have learned a good deal more about how the attack was planned and executed, and we have spent countless man hours and resources to make our Nation safer. We can be proud of the fact that we have worked to implement most of the 9/11 Commission recommendations. We are more prepared as a nation for these types of dangers than we were prior to September 11, 2001, but this is a struggle that will not end with the same clarity and decisiveness of battles past. Therefore, even as we continue to adjust to a post-9/11 world, we must remain vigilant in our efforts to prevent such a tragedy from occurring on American soil again. I hope all Americans take time to reflect on the events of September 11, 2001, honor those that have fallen, and rededicate themselves for the struggle ahead.

Mr. MARTINEZ. Mr. President, 7 years ago, nearly 3,000 Americans perished in the worst terrorist attack on our soil. Today, let us remember the innocent lives lost in New York, Washington, and Pennsylvania and continue to pray for healing for their families.

The stories of their heroism, compassion, and last words spoken to a loved one all serve to inspire and remind us of the pain of that tragic day.

This anniversary is a somber reminder of the serious threats we face. Generations of Americans have fought for our country's freedom, and on this day, we can take solace in knowing our nation remains committed to preserving that blessing.

Since 9/11, the United States has led a global campaign against terrorism. Our Nation is safer because of the sacrifices of those serving in the cause of freedom, including the men and women of our Armed Forces, our National Guard, and our intelligence communities.

Our effort has been enhanced by the cooperation of allied nations that share our desire to see a world dominated by peace, freedom, and the rule of law.

On this day, let us remember those Americans who lost their lives in the attacks of 9/11, those who have made the ultimate sacrifice in defense of our country, and those who continue to defend our Nation today. God bless these individuals and their families, and may God bless America.

Mr. FEINGOLD. Mr. President, today, like any other day, Americans will be busy getting to work, getting the kids off to school, and getting dinner on the table. Despite all those demands, however, today Americans will also pause to remember, with deep sadness, the terrible events that occurred on September 11, 2001. We are united by that sadness, just as we are united by our conviction that we must do everything in our power to prevent another such tragedy.

Our common purpose today is to honor the memory of those who lost their lives on September 11, 2001; to remember a day that began like any other, but quickly descended into chaos, with fire and smoke that engulfed the World Trade Towers, billowed out of the Pentagon, and rose from an empty field near Shanksville, PA. But 7 years later, we not only remember what was lost, but what rose from the ashes, because since that day we have all learned a great deal about the strength of the American people. September 11 reminds us how resilient we are as a nation, and in a time when our Nation faces so many challenges at home and abroad, that reservoir of strength is invaluable.

It is with great pride in the American people, and deep gratitude to people around the world who stood with us on that day, that I remember that day, and its aftermath. I have so often thought, then and now, how senseless those attacks were, and how people from all over the world perished alongside so many Americans. It is our great diversity of every kind—of our people, our culture, our geography—that makes us such a strong and vibrant country. No act, however terrible, has ever changed that, or ever will.

This is a difficult day for all of us, but especially for those who lost loved ones on that day. We share in their sorrow, even though we cannot imagine their pain. In a day that may otherwise seem ordinary, we are all jolted back to the tragic events of that day in September which began with such calm, blue skies. It was a day unlike any we have ever known and unlike any we hope to see ever again. Seven years later, however, it is heartening to see how we have moved forward from that tragedy. More than ever, we are committed to our communities, to each other, and to this great Nation and its highest ideals. That is where our resilience lies, and, on this day of all days, that is what makes us stronger as a nation and as a people.

Mr. SALAZAR. Mr. President, on this day of commemoration, 7 years after the attack here on American soil, I think it is very important and proper for all of us here in the Senate and all across America to stop and reflect on the great peace and security we have in America; the fact that there are so many policemen and first responders and others who make sure America remains safe.

And to be sure, today it is important for us to remember those who gave their lives on 9/11—those who died in the field in Pennsylvania, and those who died at the Pentagon and in New York City.

It is also important, as we reflect on 9/11 and the events of, now, 7 years ago, to recognize the more than half a million men and women who wear the uniform of a firefighter or a law enforcement officer in our Nation. These men and women who are out there on the front lines of law enforcement really are the ones who keep America safe day and night, 24 hours a day, 7 days a week. We are able to live in the security of our homes, our communities, and counties in large part because we have more than half a million men and women who are out there every day making sure the laws of the Nation are upheld.

So today, as we commemorate that horrific tragedy of 7 years ago, it is important that we commemorate the lives of those who gave their lives that day and the lives of the families of those who died and were hurt that day. It also is important for us to recognize the great sacrifice and contribution of the men and women of law enforcement of America as well as the firefighters and first responders of our great country.

Mr. LAUTENBERG. Mr. President, today is a time for reflection and review of a particular moment in American history that is not yet fully established in the manner I believe it should be. America changed more on this day 7 years ago than perhaps at any other time in our history, save those moments we were at war. But the effects that linger on are far greater than those when we were engaged in wars or experienced natural disasters.

Our world has changed so much since that day, September 11, 2001, because we are reminded every day at some point in time, sometimes several points in time, about what changed. Our freedoms were substantially chipped away. One can't go anyplace—and this affects all ages, including our young friends who are pages this year—without having an ID card, without waiting in long lines, such as with transportation at an airport, without seeing uniformed personnel all over, keeping an eye out for terrorists, unable to move with the same freedom we knew before 9/11.

Though it is 7 years ago that this terrible catastrophe happened, the fact is, on this day, as with any other day, I stopped to have my car examined. I had the dogs sniffing around to see if we were carrying anything that might represent a threat in our vehicles. Much of it started with 9/11.

Today we mark the seventh year since America experienced the worst terrorist attacks in our history. We as a nation honor the memories of the Americans who died on that tragic day. We mourn with 3,000 families, including 700 families from New Jersey who lost loved ones. Over the past 7 years, wives, sisters, husbands, and sons have worked to rebuild their lives, their families, and their futures. They came from every walk of life, from every economic background. They have forged ahead despite the uncertainty of what tomorrow would hold.

As one 30-year-old widow from Middletown, NJ, put it: There is no guidebook for how a mother of a toddler whose husband was killed by terrorists is supposed to carry on with her life.

There is no instruction that is satisfactory. There is no help that is fully accommodated. But these folks have carried on. Many have done it by joining together and giving each other hope. They came together to trade stories about their lives, about the men and women they lost, to drive each other to support groups, to pick up each other's kids from schools, to celebrate birthdays, and to fight for a shared cause. Remember, it was the families of the victims who regularly piled into the minivans, came to Washington, pushed lawmakers to create the 9/11 Commission. Despite the shock they experienced and the sadness they still felt, they were committed to the future, to try to make sure that a tragedy such as this would never happen again to anyone.

That commitment led to crucial policy recommendations, such as improvements in port security and sending Federal funds to cities and towns based on the most vulnerable to terrorist attack. We had debate on the Senate floor about whether port security funds would be distributed on the basis of risk, as recommended by the 9/11 Commission, or distributed based on politics. We fought and made sure in the last couple of years to direct those funds to areas of most vulnerability.

I was once, before I came to the Senate, commissioner of the Port Authority of New York and New Jersey. I worked in the World Trade Center. I remember vividly traveling to my office on the 67th floor of the Twin Towers and looking out at the views from those towers, thinking about how invincible those buildings were, built with steel, concrete, a great design, a hundred stories high. Nothing, you believed, could ever happen there that would provide some insecurity for those who were working in the building. I remind everybody that we had a terrorist attack on the World Trade Center some years before 9/11, when people drove a truck loaded with explosives into the garage of the building, and it was detonated with great damage. But the building stood firm. Nothing could shake the well-being of that structure. But then we saw something different.

I got to know many port authority employees who perished when those massive towers collapsed. The port authority lost 84 of its own that day, including 37 members of the police department who died as they tried to rescue others, people who ventured into the dust and the heat and the destruction of the building trying to help others. They gave their lives, knowing very well that the position they were taking was one of great vulnerability, but they did it in any event.

Among the people lost was a very close friend of my daughter. Both of them worked downtown in a financial firm. My daughter left to go to law school, and her friend went to work for a company called Cantor Fitzgerald. She had three children. Her husband searched far and wide, from hospitals to clinics, every information source available, because he couldn't believe his wife was gone, that the mother of his children would no longer be there. After 3 weeks, after visiting all of the facilities searching for every bit of information he could find, he and his three young children were forced to accept her death.

There was a young man I knew, very energetic young man. He tried life as a golf professional. He learned computer skills. His name was Nicholas Lassman. He was still in his twenties. He described his enthusiasm to me one day about how he was looking forward to a new job that he had at the Trade Center. He perished that day.

We will always remember those who died, the firefighters, computer programmers. The firm, Cantor Fitzgerald, lost 700 of its employees that day. It is a firm I know very well. The President and CEO of that company, a very charitable, wonderful, still young fellow, whose lateness saved his life because he had to take his daughter to school, lost 700 others—700—including his brother and a lot of friends. This was a fellow who believed in loyalty as a trait above all for people in his organization. So he hired a lot of his friends from the place he grew up. I believe it was Brooklyn. Thusly, not only did his brother die, but lots of his friends perished during those same tragic moments.

The people who died left a loss that binds our Nation, and today, in New Jersey and across this country, we are honoring them in many ways.

There are events in New Jersey, events we saw this morning at Ground Zero. We had our moment of silence and our gathering together outside to hear some prayers and to listen to some music that reminds us of the greatness of our country.

In the city of Bayonne, we remember them at a monument called the Tear of Grief because Bayonne is one of those cities along the Hudson River from which lots of people commuted to the World Trade Center. The World Trade Center each day would see more than 50,000 people come there. It was like whole cities across our country. That is how big those buildings were. People would come—a lot by train, a lot by subway, by all kinds of means—who would come from all around the area to go to work or to have meetings there. So these are communities that are along the river, such as Bayonne.

Hoboken I was there at the dedication of a little park along the waterside that is called the Pier ''A'' Park. In Leonia—another town along the way—we remember them with two

granite towers that stand there as a reminder. In Jersey City there was a memorial put there called the Grove of Remembrance in Liberty State Park, just under the shadow of the Statue of Liberty—historic places.

But the best monument to those who died that day is to learn from the experience and to bring those perpetrators to justice and make our country safe. After that group of madmen destroyed the World Trade Center and damaged the Pentagon, we vowed to search for those who orchestrated these terrible acts and to make them pay for their atrocious deeds. But we know they are still out there. In fact, 2,558 days since 9/11, terrorism is on the rise, more threatening, perhaps more obvious than at any time, more obvious than at any time predating 9/11.

Terrorism is there challenging us in places around the world, especially in our own country here. Al-Qaida is on the move. Osama bin Laden is still on the loose. What has happened? We have to continue the pursuit of these perpetrators so we can say to the people who are innocently living their lives that they need not be worried about a terrorist attack. But we have not done that yet. We still have to continue our obligation.

We have a ruthless enemy out there, one whose front line is our homefront. The stretch from Port Newark, NJ, our harbor, to Newark Liberty International Airport is defined by the FBI as the most dangerous 2-mile stretch in the country that invites a terrorist attack. I say, again, we had to fight to get funding to protect to the fullest extent we could that area, that target that, if attacked, would injure or kill as many as several million people. It is a highly populated area, with a big chemical manufacturer there. We had to have assistance from the Federal Government to make sure we mounted as much protection as we could.

On the anniversary of 9/11, we commemorate the memory of those who perished 7 years ago, and we stand with their families whose future is our cause. It is critical for their future, for their families, our families, that we continue to protect the country the victims died for, the loved ones they left behind, and the freedoms they hold dear.

I yield the floor with a thought as to the pictures I saw of what the reaction was from people around the world when they saw the attack on America that day. One picture was taken in Israel, a very dear, vital friend to America. In that little country, that tiny country, people were weeping for America, crying giant tears—this small country for the giant—to put things into perspective to understand how this attack menaced everybody in the world no matter what their distance was from us, that they cried for America. We must not permit such an act of terrorism to happen again.

Mr. SMITH. Mr. President, on an otherwise beautiful September morning 7 years ago today, our Nation experienced the greatest of tragedies. The United States was brutally and deliberately attacked. Terrorists took innocent American lives on sovereign American soil.

This tragedy was brought to our shores by those who seek to destroy the American dream. The perpetrators declared war on the clearest symbols of our way of life: The Twin Towers in Manhattan, the center of American capitalism and prosperity; the Pentagon in Arlington, VA, a building that represents the strongest guarantor of freedom in history. A third target, either the White House or the U.S. Capitol, was spared only because of the brave and selfless passengers aboard United Airlines Flight 93, which crashed near Shanksville, PA.

The Civil War once tested the survivability of a nation founded on the concept that every citizen is endowed with fundamental freedoms. In the 7 years since September 11, we have tested America's devotion to these founding principles, bringing to this body a debate over where to draw the line between protecting liberties and preventing another attack. As a nation, I believe we have found a balanced solution to this challenge. And when we remember and defend the truths our founding fathers knew to be self-evident, we strengthen them for the next generation. We have done this all the while defending this great nation from another attack. And that is an accomplishment worth noting.

I know that in this hyper political season, we sometimes fail to see beyond daily politics and rhetoric. But it is my hope that as we continue to examine our freedoms in the context of fighting terrorism, we will not lose sight of what they mean for us here at home. This morning, President Bush dedicated the Pentagon Memorial in remembrance of 184 innocent Americans taken from us that morning. We do not identify the fallen as old or young, man or woman, black or white, Jewish or Protestant. We identify them as fellow Americans, all deserving of the same inalienable rights.

I thank and pray for our troops overseas, fighting to keep us safe here at home. I thank and pray for the survivors and families of those who have fallen in the defense of this great Nation. And I thank and pray for all those who remind us why this nation is worth defending. The United States will indeed persevere and will continue to serve as the finest example of a nation founded and dedicated to Liberty and justice for all.

Ms. SNOWE. Mr. President, on this solemn occasion in our national life, we pause with deep-seated reverence to remember and honor those who perished in the terrorist attacks on September 11, 2001, and we do so profoundly mindful of those families and loved ones whose lives have been forever altered by the heinous events of 7 years ago.

At this time, we share in the grievous anguish that will always exact an unbearable toll on those convening to pay homage to family and loved ones lost at Ground Zero in lower Manhattan, in Shanksville, PA, and in the Pentagon, where today there will be a ceremony, marking the official dedication of the Pentagon Memorial which will pay tribute to the 184 lives lost in the Pentagon and on American Airlines flight 77. Amid the arduous trial and pain that this date in our history evokes, we find mutual solace in the revelation that none of us grieves alone that, on this day, those whom we will never know are kept in our thoughts and prayers and that there are no strangers among us only Americans.

While we will never escape the unspeakable horror and inconsolable devastation that this anniversary represents to each and every one of us, at the same time, we cannot help but recall the countless remembrances of the indomitable spirit of the American people, who have, time and again, demonstrated a collective resilience and resolve to battle back despite inexpressible sorrow, and who have displayed a courageous summoning of purpose to move forward in the face of wrenching desolation. And so this year, as in times past, we face the indescribable inhumanity of those dark morning hours, but we are renewed and buoyed by the unfolding story from 2001 to the present of a resurgent nation that will overcome any adversity, no matter how perilous or daunting.

And nowhere is that inspiration, heart, and character more prevalent than in our recollection of the heroic sacrifice and noble devotion of firefighters, police officers, and rescue workers. The fearless and selfless example of seemingly ordinary Americans performing extraordinary deeds in the service of others will serve through time immemorial as an enduring and powerful testament that good will triumph over evil and that those benevolent forces that would seek to uplift humankind will ultimately prevail over those treacherous elements that would conspire to bring it down.

Time can never diminish the cavalcade of emotions we experience as we strive to comprehend how such vicious savagery could exist in the world and could be perpetrated so ruthlessly against innocent people. And those feelings only intensify when we put faces with names, and they become especially personal when we reflect upon Mainers whom we have lost—Anna Allison, Carol Flyzik, Robert Jalbert, Jacqueline Norton, Robert Norton, James Roux, Robert Schlegel, and Stephen Ward. Their lives were tragically cut short, but their memory is eternally etched upon our hearts.

As we confront once again these unforgivably grave and wicked injustices, we are also gratefully sustained by the supreme service and unfailing contribution of our exceptional men and women in uniform who protect and

defend our way of life. Whether on shores or soil here at home or around the globe, their steadfast sense of duty and bravery are an inspiration to us all, their commitment steels our determination, and their valor and professionalism steady our hand in an uncertain world.

Like every American, I vividly remember every detail of the morning of September 11, 2001, and how the day began with such beautiful blue skies, only to end with a nation grief-stricken and stunned in utter disbelief. In Washington, DC, I watched the images along with the rest of the world. Later, as the Sun set over the National Mall still capped by smoke billowing from the wound in the side of the Pentagon I joined my colleagues in the House and Senate on the Capitol steps in singing, ''God Bless America.''

We sang to send a message to the country and to the world that we would never be deterred that freedom is forged by something far more resolute than any act of terror a conviction that has only strengthened with each anniversary. While we extol those whom we have lost, we hold fast to the belief that the greatest memorial is to embrace all that we have retained as a nation from our inception and that the principles of liberty and justice and the primacy of self-government cannot be extinguished that we as a people will endure as long as we persevere shoulder-to-shoulder as Americans.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. 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. INHOFE. Mr. President, we have had two ceremonies today: one at the Pentagon and one on the west steps remembering what happened 7 years ago. I think everyone remembers what they were doing at that time 7 years ago. It happens that was the time I had the State chamber of commerce from my State of Oklahoma in. I was speaking with them. I remember so well being on the ninth floor of the Hart Building where we had a panoramic view. They were looking at me, and I saw all this smoke going up, not having any idea what it was. I actually witnessed what happened at the Pentagon.

Today as we think back, most of us know someone or have a friend who was killed on that fateful day in the greatest, most significant raid on our land in our country's history. Seven years later, we continue to fight for the oppressed and, more importantly, help the oppressed to fight for themselves. With our coalition of partners and allies, we continue to take the fight to the enemy of our place of choosing, keeping them there instead of here.

I had the privilege—and it really has been a privilege—to be in the area where the terrorists were, I think, more than any other Member. I have made some 18 trips, maybe more than that, to Africa, the Horn of Africa, Iraq, Afghanistan, and that area. We have taken away al-Qaida's base of operations, freedom of movement, forcing them into the no-man's land between Pakistan and Afghanistan. We have trained the Afghan National Army as they have grown to 65,000 troops. I am proud of this accomplishment. It was Oklahoma's 45th in charge of training the Afghan Army. I was over there, and I saw the pride in the faces of the Afghans as they were learning to defend themselves, learning to fight, learning to fight with dignity. We have trained the Afghan National Army as they have grown to 65,000 troops, and they are on track to meet their mandated strength of 82,000 by 2009.

We have defeated the Taliban in every encounter and have killed or captured over 60 of their senior leaders. We helped Afghanistan rebuild its infrastructure with over 1,000 bridges and 10,000 kilometers of roads. There are now more Afghan children in school than at any other time in history.

That is something we seem to forget, turning to Iraq, what is happening right now and the impact this is having in the Middle East where for the first time in the history of that country there are women going to school. They have been liberated from a tyrannical leader.

I was honored back in 1991 to be on what was called the first freedom flight. It was Democrats and Republicans. Tony Coelho was there and several others. But also the Ambassador from Kuwait to the United States was there. This was in 1991 at the end of the first gulf war. It was so close to the end of it that Iraq did not know it was over yet. They were still burning the fields off.

The Ambassador and his daughter—he had a 7- or 8-year-old daughter—wanted to see what their mansion on the Persian Gulf looked like because they had not seen it during the war. When we got there, we found it was used by Saddam Hussein for one of his headquarters. The little girl wanted to go to her bedroom and see her little animals. Saddam Hussein had used that bedroom for a torture chamber. There were body parts there.

During that period after 1991, many of us had the opportunity to look into the open graves, to see what a tyrannical person this was, hear the stories from firsthand observers who said people were begging to be dropped into the vats of acid head first or into the grinders.

Weapons of mass destruction were used on the Kurds up north, and hundreds of thousands of people were killed. The way he killed them with the type of gas, it was like burning yourself up from the inside. People described what the people went through.

Some on this floor and a lot of people on the campaign trail say no terrorists were in Iraq prior to the liberation. Evidence has shown the contrary. I say this because, first of all, if there had never been even a discussion of weapons of mass destruction, just the things that this guy had done to the hundreds of thousands of people was enough justification for going in. We, as a free nation, cannot allow that type of thing to happen.

Now we find, yes, there were terrorist training camps there. Sargat was an international training camp in northeastern Iraq near the Iranian border. It was run by Ansar al-Islam, a known terrorist organization. Based on information from the U.S. Army Special Forces, operators who led the attack on Sargat said it is more than plausible that al-Qaida members trained in that particular area. The Green Berets discovered among the dead in Sargat foreign ID cards, airline ticket receipts, visas, and passports from Yemen, Sudan, Saudi Arabia, Qatar, Morocco, and many other places.

Salman Pak was the name of another city there. That is where we found the fuselage of a 707. That is where they were training people—all the evidence was there—to hijack airlines. That was a terrorist training camp. That is in Iraq.

I don't think we will ever know whether the perpetrators of the tragedy 7 years ago today were trained in Salman Pak. I don't think there is any way of ever knowing that. Certainly, that is what they were doing at that time.

So in the aftermath of September 11 we have worked together to do things to preclude this kind of attack from happening—the PATRIOT Act, we created the Department of Homeland Security, the position of Director of National Intelligence to try to coordinate.

One of the things I remember when I came to the Senate from the House in 1994 is my predecessor was David Boren who happened to have been the chairman of the Senate Intelligence Committee. He said: I am hoping you may be able to do something I have never been able to do, and that is to get all these competing intelligence agencies—such as DIA and others—to work together. That wasn't happening until 9/11. That shock treatment is what it took to get people to work together. In doing so, we know many potential attacks on our country have been prevented.

When we look at what we are commemorating today and the people we know, the loved ones we lost, we recognize we have done some things we should have done before probably. Those of us who have traveled to Israel know they live from day to day not knowing if, when they are sitting in a coffee shop, it is going to blow up or when getting on a bus there are going to be bombs going off. They have learned to live with it. We now have

learned the lesson of 7 years ago. We have taken precautions. We have prevented attacks from happening. We have evidence of all kinds of things—water systems that were going to be contaminated—and we think of the tragedy of 7 years ago today.

If we look at the potential tragedy of an incoming missile hitting a major city in America, we would be looking at maybe 300,000 people. That is what it is all about now: making sure nothing of this dimension or anything else will happen again.

This is a very special day, and it is one that is very meaningful to most of us—I think to all Americans. One thing we can do is remember, remember that terrorists are still out there. I was asked on a radio show this morning: There are so many people out there saying, why don't you just forget this thing? That was 7 years ago. Why keep bringing it up? Why keep stirring it up? Why can't we get beyond that?

My response was we cannot do that because of what happened to so many people. But more importantly than that is this is a constant reminder. Every year we need to be reminded that there are terrorists still out there. They hate everybody who is in this building, and they hate this building. You think about what could have happened 7 years ago if those very brave people in Pennsylvania hadn't stopped what was happening. This dome, most likely, would not be here. It was an easy target. That is the reminder.

The terrorists are still out there. They still want to kill us. They are still cowards. They still have no country and they have no cause, except to destroy us. So this reminder is here today, and I just, at this time, want to pay homage once again to the families of all those who lost their loved ones in the tragedy that took place.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—Continued

Mr. AKAKA. Mr. President, I rise today to speak about the growing rate of suicide among Iraq and Afghanistan-era veterans. For all that is being done in this country to support our troops in battle, we must remember this truth: For many veterans, their battles do not end when they return from the war. Instead, war returns home with them and within them. That is a truth. Instead, they face an enemy that is hard to understand and harder to defeat. Their wounds and their enemy are unseen, but the reality and sometimes the deadly consequences of these invisible wounds cannot be ignored.

I am deeply troubled by the latest information we have received from VA. The number of veterans lost to the enemy of suicide is rising. Suicide among Iraq and Afghanistan-era veterans is at an alltime high. The most recently recorded year—2006—saw 113 Iraq and Afghanistan-era veterans lost to suicide, almost as many as we lost in the years 2002 to 2005 combined. This is disturbing.

Iraq and Afghanistan veterans are not the only ones suffering from service-related mental health injuries. Indeed, the number of veterans found to have service-connected PTSD is not just rising, it is rising several times faster than service-connected disabilities overall. Nor are suicide and mental health only a matter of concern among discharged veterans. Recent news reports show that suicides among Active-Duty soldiers are positioned to reach an alltime high, exceeding last year's record number.

Much is being done to protect and heal veterans with mental health issues. VA has expanded mental health outreach. The Vet Centers, run largely for vets and by vets, offer a safe haven and readjustment counseling. For those in desperate need, VA now operates a 24-hour suicide hotline. In the 1 year it has been operating, they have received tens of thousands of calls and performed over a thousand rescues of veterans about to take their own lives.

Unfortunately, these efforts are not enough. Veterans are committing suicide at a higher rate than their civilian counterparts. A recent RAND study found that nearly three out of four veterans in need of mental health care receive inadequate care or no care at all. This cannot be acceptable to a nation intent on protecting those who wear its uniform. More must be done in the days ahead, and not just by VA.

This Congress took an important step by passing the Joshua Omvig Suicide Prevention Act. But in the final weeks of this session, comprehensive veterans mental health legislation is still waiting for a vote in the House. Through S. 2162, the Veterans' Mental Health Care Improvement Act, which passed the Senate with unanimous support, Congress can do more to prevent veteran suicide. Congress can strengthen veterans' mental health care, outreach, support the homeless, services for families, and leverage community resources. I hope this critical legislation will become law before this Congress ends.

PTSD and other service-related invisible wounds are real injuries. They are also an enemy to veterans, to the families who support them, and to all Americans. It is not enough to bring our troops home; we must support them when the battle follows them home. It is unacceptable that veterans who come home safely later lose their lives to the enemy of suicide. We must do more to support those who have served us.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. 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. 5413

Mr. THUNE. Mr. President, I rise today to speak to amendment No. 5413. I hope at some point to be able to call up that amendment and perhaps have it either included as part of the managers' package or have it debated and voted upon. Let me explain a little bit about the history of this and why I think this is so important to our Nation's military.

The Defense Department authorization bill we have before us is a critical piece of legislation that we need as a Congress to deal with before Congress adjourns. We have done that for the past 42 years. It sets the policy and the framework and funding for matters that are important to our men and women in uniform and important to making America safe and secure as we head into the future. I believe this amendment fits right in with that overall objective. The amendment to which I speak today will advance innovative Air Force programs that are already positively affecting the critically important and complex issue of energy policy. As I said, that is a national security issue as well.

Furthermore, this amendment will expand these valuable programs to other Department of Defense services.

As we all know, the issue of fuel prices has significant implications not only for our economic security, but also for our military. In fact, the Department of Defense is the largest single consumer of fuel in the United States.

Consider this: In the last 4 years, the Air Force fuel bill has tripled. Furthermore, the Air Force spent over $6 billion buying energy last year, even though they used 10 percent less than the year before. This is a substantial sum, and I can almost guarantee it will cost the Air Force more next year to buy the same amount of energy. As the lead paragraph in an article headlined ''Worries of Rising Fuel Costs Extend to DoD's Budget'' published in Defense News on May 19, 2008, noted:

> The skyrocketing cost of fuel isn't just hitting U.S. drivers in the pocketbook—it's blowing a bit of a hole in the Pentagon's budget as well.

I ask unanimous consent that the entirety of this Defense News article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. THUNE. We are at a moment in our history when we must move toward more secure, domestic energy sources.

One need look no further than the embargos of the 1970s or the recent oil price spikes or the Russian-Georgian conflict to see the negative implications of relying on foreign sources for the preponderance of our energy needs. Additionally, continuing to fund unfriendly foreign regimes grows increasingly untenable by the day, and we should look to produce lower cost domestic alternatives that stop this capital flight.

It is well past time that we further the development of these lower cost domestic alternatives through responsible public policy.

Given this context, I am proud to report that the U.S. Air Force has already become a model for Government leadership in these areas. We should now expand these Air Force programs to the other Department of Defense services, as these valuable programs will undoubtedly pave the way for increased public-private cooperation.

One example of Air Force leadership in this area is evident in existing programs to find alternatives to increasingly expensive aviation fuel. Not only has the Air Force already flight tested the B–52, B–1, C–17, KC–135, F–15, and F–22s on a 50 percent synthetic fuel blend, it has plans to certify its entire inventory on this synthetic fuel blend by 2011. Moreover, the Air Force is dedicated to procuring at least half of its fuel needs from environmentally friendly, domesticaly produced, synthetic fuel blends by 2016.

We should now call for the other services to do the same. We should seek to understand how the Department of the Army and the Department of the Navy can also use these fuels and how the buying power of the entire Department of Defense can achieve efficiencies and decreased costs due to large economies of scale.

Because they are the largest user of fuel in the Department of Defense, this amendment specifies that the Air Force continue to be on the leading edge in finding lower cost, domestically produced alternatives to conventional aviation fuels. The amendment dictates that the Air Force continue to certify its entire fleet on a synthetic fuel blend and to press forward in its efforts to acquire half of its domestic fuel requirement by 2016 from a domestically sourced alternative fuel blend.

To protect the American taxpayer, it is important to note this acquisition would only occur if the price is less than or equal to the market prices for petroleum based fuels.

To protect the environment, the amendment specifies the fuel is ''greener'' than conventional petroleum based fuels. On this second point, it is important to note there has been recent uncertainty over section 526 of the Energy Independence and Security Act of 2007. The intent of this amendment is that the lifecycle emissions of these fuels will be lower than pending Department of Energy and Environmental Protection Agency baselines for conventional petroleum fuels.

A binding authorization for the Air Force to acquire this fuel will have a dramatic effect on the domestic aviation and fuels industries. With the Air Force and the other services of the Department of Defense leading the way, it is likely commercial airlines and fuel producers will see the increasing viability of these fuels and wish to build on these efforts. To further civil-military cooperation, the amendment also encourages the services to partner with the commercial aviation industry to engage in further research and development.

To encourage feedstock diversity, the language in the amendment is not specific regarding fuel source, and producers could use anything from cellulosic ethanol to biodiesel.

Ultimately, this amendment positively impacts energy policies in this country at no additional cost to the American taxpayer. Simply put, if the alternative fuels cost more than conventional fuels, the Department of Defense doesn't have to buy them. In actuality, it is likely to actually lower the cost of these fuels by inducing market based competition among synthetic fuel producers.

Some may argue this amendment is a Government giveaway program or that it is specially tailored to benefit a specific industry. This is simply not true. This amendment does not specify a specific feedstock from which to make fuels, nor does it offer loan guarantees or tax incentives to any specific industry.

We are at the beginning of a long energy crisis which is already one of the defining issues of our time. If Government agencies are going to be part of the solution, we need sound, responsible public policy that allows them to partner with industry and solve these important problems. This amendment is exactly this type of policy.

I hope my colleagues will support it. I hope, before we complete action on the Defense authorization bill, that we will have an opportunity to call up some of these amendments, to have them debated, have them voted on or, at a minimum, to have them accepted as part of a managers' package. But, in one way or another, I hope this very important issue of energy security can be addressed in the Defense authorization bill through the acquisition of fuels our services use to supply their energy needs and addressed in a way that not only helps America's energy security with regard to lessening this addiction we have to foreign sources of energy, but I also believe it will make our country safer because I think this is a national security issue that forces us to rely upon countries around the world that are hostile to our interests.

I believe that becoming energy independent means we have to lead by example. Our Air Force has stepped up to that challenge. I hope the other services will follow.

As I said before, this amendment does not require any particular feedstock. It is neutral with regard to the whole issue of whether that comes from cellulosic or whether that comes from biodiesel or whether that comes from coal to liquids.

At the end of the day, we need to adopt this amendment. It will be a savings to our military services and a savings to the taxpayer. As I said before, there is a requirement in this amendment that, whatever that source is, it be greener than petroleum-based fuels used today.

It has already been tested on a number of aircraft. The Air Force intends to move in the year 2016 to 50 percent, and I hope the other services will follow. This amendment will see that happens. I hope my colleagues will adopt it.

EXHIBIT 1

[From Defense News, May 19, 2008]

WORRIES OF RISING FUEL COSTS EXTEND TO DOD'S BUDGET

(By William H. McMichael and Rick Maze)

The skyrocketing cost of fuel isn't just hitting U.S. drivers in the pocketbook—it's blowing a bit of a hole in the Pentagon's budget as well.

DoD officials have asked Congress to appropriate another $3.69 billion for all fuels—an increase of $2.2 billion from their initial request—according to a revised request for supplemental war funding for fiscal 2009, submitted May 2.

That, of course, looks far ahead and could still prove to be inadequate. According to Pentagon budget documents, the request would support a crude oil price of $97.19 per barrel—and also assumes the military's overall fuel costs will drop by 4.8 percent.

The current world price, however, has climbed to and is hovering around $120 per barrel, and many analysts think rising global demand and other factors will keep prices high.

And 2009 isn't the only concern; the Pentagon needs more money for fuel to cover the remaining five months of this fiscal year.

This would come by way of the $108 billion war supplemental appropriation request, which has yet to be approved.

The Pentagon has asked for a total of $1.9 billion for fuel, an increase of $281.4 million over its original supplemental request.

All told, that's an additional $2.48 billion on top of the amounts included in the Pentagon's 2008 and 2009 base budgets—and Defense officials already acknowledge the 2009 supplemental request won't cover that entire fiscal year.

That would buy the Air Force another 19 F–22 fighters, or the Marine Corps 36 MV–22 Ospreys.

In the seven months ending in March, the Pentagon's average monthly cost for its most-used jet fuel, JP–8, rose 34 percent, from $2.34 to $3.13 per gallon, according to the Defense Logistics Agency (DLA).

The cost of JP–5, used primarily by Navy jets operating from the sea, increased from $2.22 to $2.94 per gallon.

Regular gasoline jumped from $2 to $2.79 per gallon, or 40 percent, over the same period. Only diesel fuel's rise was negligible, increasing just 5 cents per gallon.

The Pentagon's prices normally do not fluctuate much because DLA's Defense Energy Support Center (DESC) buys in bulk and sells fuel to the individual services at a ''standard price'' based on market projections for the ensuing year, according to DLA spokesman Jack Hooper.

In September 2007, for example, DESC set the standard price of JP–8 at $2.31 per gallon.

In a less volatile market, that price might have been good for the next 12 months. But the market forced a change and in December, DESC raised its price for JP–8 to $3.04 per gallon.

The House Armed Services subcommittee on readiness approved legislation May 8 to require the secretary of Defense ''to consider the full burdened cost of fuel and energy efficiency in the requirements development and acquisition process,'' said Rep. Randy Forbes of Virginia, the panel's ranking Republican.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from North Carolina is recognized.

HONORING FALLEN SALISBURY, NORTH CAROLINA FIREFIGHTERS

Mrs. DOLE. Mr. President, it is with a heavy heart that I rise today, on this solemn anniversary, to pay my respects to all of the dedicated emergency responders who have made the ultimate sacrifice to protect our citizens. We all remember with great sadness the horrendous loss of life at the Twin Towers and the Pentagon on that fateful morning, including the tragic loss of so many firefighters, police officers, and other first responders who heroically rushed into danger, risking their own lives to save the lives of others.

Nationwide, the men and women of our emergency response forces, like the comrades in arms of those New York and Washington first responders, share a common sense of purpose and dedication to defending their communities in times of peril.

Today, I would also like to honor the memories of two brave firefighters from my hometown of Salisbury, NC who died in the line of duty this year.

In March, the Salisbury Fire Department lost two of its finest, Justin Monroe and Victor Isler, while they were battling a blaze that may have been the worst in our town's history. Both men left behind many heartbroken family members and friends—and a grieving community.

Our thoughts have also been with several other Salisbury firefighters who suffered burns and other injuries while trying to rescue their comrades and contain the fire. As they continue to heal from that tragic day, I hope they know that our thoughts and prayers are continuously with them.

As a young boy, Justin Monroe dreamed of fighting fires. While in high school, he enrolled in the Millers Ferry Volunteer Fire Department's junior firefighter program, and in June of 2007, he accepted his dream job at the Salisbury Fire Department. Justin was proud of his work and looked forward to each and every day at the department. He was even studying for his fire technology degree at a local community college.

Justin's mother Lisa was working at Salisbury's Rowan Regional Medical Center when she learned that at least one firefighter had perished and that several others had been injured fighting the fire at Salisbury Millwork, a manufacturer of custom woodwork. Her greatest fear as a parent was realized when the body of her 19-year-old son, who had been living with her at home, was brought into the hospital. One of Lisa's colleagues summed up the emotion by saying, ''It's devastating when one of your coworkers loses a family member, but losing a child at such a young age is really heartbreaking. Children are not supposed to die before their parents.''

Justin's fallen comrade, Victor Isler, joined the Salisbury Fire Department a few days after Justin came on board. Victor moved to North Carolina from New York, where he served as a medic with the New York City Fire Department and helped save countless lives when our Nation was attacked on September 11. At age 40, Victor decided to head south and join the Salisbury department. A devoted husband to his wife Tracy and the proud parent of two teenagers, he quickly became a father figure to many of the department's younger firefighters.

Victor's childhood best friend, Chris Damato, also served in the Salisbury department. On the day after Victor gave his life, Chris' wife gave birth to a little boy, named Nicholas Victor as a tribute to their dear friend.

Our firefighters are always there in times of need. Very sadly, our communities sometimes lose some of their finest public servants like Justin Monroe and Victor Isler. Their sacrifice serves as a somber reminder of the dangers these men and women face each and every day. We owe all of our courageous firefighters and first responders a tremendous debt of gratitude for their selfless commitment to keeping us safe.

As we join together as a Nation to remember September 11, and the courage and sacrifice demonstrated by countless Americans on that day, my thoughts and prayers are also with Justin and Victor's loved ones and everyone who has been affected by these tragedies. I join with my neighbors and the entire Salisbury community in mourning their loss, and pray that they find solace in the knowledge that these men are remembered as heroes of the highest order, an inspiration to us all.

Mr. LIEBERMAN. Mr. President, in the fiscal year 2009 Defense Authorization Act, S. 3001 is section 256, Assessment of Standards for Mission Critical Semiconductors Procured by the Department of Defense.

The objective of this provision is to provide the DOD with assurance of dependable, continuous, long-term access to trusted, mission critical semiconductors from both foreign and domestic sources. In order to assure trust, the provision recommends the use of verification tools and techniques on commercially procured semiconductors.

The manufacture of semiconductors has continued to migrate to off-shore foundries, particularly to foundries in China. The few high end semiconductor manufacturers in the U.S. are driven by commercial interests and cannot be depended upon to supply the needs of the Deptartment of Defense for the long term. The U.S. military now comprises only 1 percent of the overall market and therefore no longer drives that market.

The DOD is currently depending on a single company, IBM, for high end semiconductors through the DOD Trusted Foundry Program. This program was put in place in 2004 as a stopgap measure. The February 2005 report by the Defense Science Board Task Force on High Performance Microchip Supply stated that the Trusted Foundry Program is an interim source of high performance ICs and a good start in addressing the immediate needs for trusted sources of IC supply. The Trusted Foundry Program does not address critical design software and design systems which are also subject to tampering. It is strongly recommended that the Trusted Foundry Program continue to be a key part of the overall strategy and the volume of parts that go through it increased. However, since that report was written, the trend of migration of semiconductor manufacturing overseas has continued, and it is now urgent to augment the Trusted Foundry by a more comprehensive approach for the procurement of trusted parts that includes acquisition of parts from ''nontrusted'' sources.

There are several issues which need to be addressed and they are the drivers for this legislative provision. First, the DOD must have assurance of dependable, continuous, long-term access to mission critical semiconductors from both foreign and domestic sources for its potentially vulnerable defense systems. Such access needs to be independent of the commercially driven decisions made by individual companies and foundries. DOD needs for integrated circuits include high end semiconductors, custom application specific integrated circuits, ASICs, and field programmable gate arrays, FPGAs. Second, there must be assurance of trust of the semiconductors installed on systems procured through Defense contractors and subcontractors from ''nontrusted'' sources. Assurance of trust means assurance that the semiconductor has not been tampered with or modified in any way, and performs the functions required—and no other functions. It also requires assurance that the design and design systems, fabrication, packaging, final assembly, and test of semiconductors are free from tampering. The legislative provision addresses each of the concerns stated above. It is recommended that the Department of Defense inventory and implement the best methods currently available for assuring trust. It needs to put in place an overall policy and direction, as well as a plan for the procurement of semiconductors that assures continuous access and trust as described above. It also needs to assure that there is sufficient oversight in implementation of the plan for the acquisition of critical semiconductors, employing new or improved techniques and approaches as they become available through technological advances.

Deliverables from the DARPA trusted circuits project, supplemented by procedures to assure trust in design, packaging and assembly need to be employed. It should also be recognized that a comprehensive strategy needs to include acquisition of mass-produced commercial parts which have low risk of sabotage.

The Under Secretary of Defense for Acquisition, Technology, and Logistics is requested to be available to brief Congress on its assessment of methods and standards no later than December 31, 2009. These need to be done in consultation with the intelligence community, private industry, and academia.

Mr. CORNYN. Mr. President, the right to vote is one of the most cherished civil rights, enshrined in the 15th, 17th, and 19th amendments of the Constitution. It is the cornerstone of democratic government, and it is what makes us a government ''of the people, by the people, and for the people.''

Throughout our history, whenever we have seen people deprived of this right, whether by law or by practice, brave Americans have stood up to fight for their right to vote. Today there is a significant portion of our population that has been disenfranchised.

Today, the very men and women who have joined the military to defend our right to vote have been effectively cut out of the democratic process. Make no mistake; this is one of the most important civil rights issues we face today, and we cannot afford to delay action to address it.

The Secretary of Defense has delegated the responsibility for safeguarding the voting rights of our troops to an office called the Federal Voting Assistance Program. Unfortunately, as our troops serve on far-away bases overseas and fight in foreign theaters of conflict, the Department of Defense's Federal Voting Assistance Program has failed to protect their most basic right as American citizens. This failure is twofold.

First, the DOD's voting office has failed to adequately educate our men and women in uniform about how to vote. Second, it has failed to take adequate steps to put in place a system that provides our troops a reasonable opportunity to vote—one which ensures their votes are counted.

Already, the DOD is required by law to provide troops with voting assistance, and information on how to get ballots, and how to cast their votes. But, its efforts have fallen woefully short. A recent survey found that less than 60 percent of troops knew where to obtain voting information on base.

Of our overseas troops who did ask for mail-in ballots, less than half of their completed ballots actually arrived at the local election office. What is worse, many of those arrived late, resulting in them being rejected and thus not counted at all.

It is absolutely shameful that so many of our troops and their families have been cut out of the democratic process through bureaucratic inefficiency.

In order to prevent this disenfranchisement from happening again, I introduced the Military Voting Protection Act, or MVP Act, to require the DOD to collect our overseas troops' completed ballots and expedite their delivery through express shipping. Electronic tracking would be required as well, so our troops would have the peace of mind of knowing their ballots actually arrived at the election office. The MVP Act would markedly improve the current system and help protect our troops' right to vote.

But yesterday, when I asked to bring this important, time-critical legislation forward as an amendment to the DOD authorization bill, the majority objected, saying they needed to hear from the Rules Committee first. My legislation would apply only to military servicemembers. We are working on the DOD authorization bill, so I am not sure why members of the Armed Services Committee need to wait and see what the Rules Committee thinks of an amendment this important. I am left scratching my head.

Rather than even considering this legislation, and debating how best to fix our broken military voting system, Democrats cited weak excuses for blocking this amendment. With a national election looming, and a disgraceful track record over the past two election cycles of our widespread troop disenfranchisement, I am dumbfounded as to why my colleagues would put off this civil rights issue and effectively cheat our troops out of a better, more reliable system for voting from overseas.

Last night, the Rules Committee offered me a counterproposal, which seeks to make the implementation of these important improvements to our troops' voting system optional. In essence, by making the implementation of this program optional, the Democrats are saying to our troops that their civil rights are not guaranteed but an option. That is an outrage.

I am afraid this is going to be just another item on a long list of critical issues the majority has put off, despite calls for action from the American people. Another notable example is gas prices—we have been waiting for over 2 years to address gas prices, but still no meaningful action from the majority leadership. Democrats have stonewalled and delayed qualified judicial nominees and have yet to pass a single appropriations bill for the fiscal year that starts in less than 3 weeks.

The rights of our troops to vote cannot fall victim to politics. Our military men and women stand vigilant in the defense of freedom and help safeguard the personal liberties of their fellow Americans. Now, we must be every bit as vigilant in defense of their personal liberties and civil rights. They willingly step into harm's way to ensure the safety of their fellow Americans at home, and they deserve better than a broken voting system and a refusal by their elected leaders to fix it.

Mr. President, I subject the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

ADA AMENDMENTS ACT OF 2008

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 927, S. 3406, a bill to restore the intent and protections of the Americans with Disabilities Act of 1990; that the bill be read three times, passed, and the motion to reconsider be laid upon the table, without intervening action or debate; that upon passage, Senator HATCH and I be recognized to speak for a period not to exceed 40 minutes total.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3406) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3406

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 ''ADA Amendments Act of 2008''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in enacting the Americans with Disabilities Act of 1990 (ADA), Congress intended that the Act ''provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities'' and provide broad coverage;

(2) in enacting the ADA, Congress recognized that physical and mental disabilities in no way diminish a person's right to fully participate in all aspects of society, but that people with physical or mental disabilities are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers;

(3) while Congress expected that the definition of disability under the ADA would be interpreted consistently with how courts had applied the definition of a handicapped individual under the Rehabilitation Act of 1973, that expectation has not been fulfilled;

(4) the holdings of the Supreme Court in Sutton v. United Air Lines, Inc., 527 U.S. 471 (1999) and its companion cases have narrowed the broad scope of protection intended to be afforded by the ADA, thus eliminating protection for many individuals whom Congress intended to protect;

(5) the holding of the Supreme Court in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002) further narrowed the broad scope of protection intended to be afforded by the ADA;

(6) as a result of these Supreme Court cases, lower courts have incorrectly found in individual cases that people with a range of substantially limiting impairments are not people with disabilities;

(7) in particular, the Supreme Court, in the case of Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002), interpreted the term ''substantially limits'' to require a greater degree of limitation than was intended by Congress; and

(8) Congress finds that the current Equal Employment Opportunity Commission ADA regulations defining the term ''substantially limits'' as ''significantly restricted'' are inconsistent with congressional intent, by expressing too high a standard.

(b) PURPOSES.—The purposes of this Act are—

(1) to carry out the ADA's objectives of providing ''a clear and comprehensive national mandate for the elimination of discrimination'' and ''clear, strong, consistent, enforceable standards addressing discrimination'' by reinstating a broad scope of protection to be available under the ADA;

(2) to reject the requirement enunciated by the Supreme Court in Sutton v. United Air Lines, Inc., 527 U.S. 471 (1999) and its companion cases that whether an impairment substantially limits a major life activity is to be determined with reference to the ameliorative effects of mitigating measures;

(3) to reject the Supreme Court's reasoning in Sutton v. United Air Lines, Inc., 527 U.S. 471 (1999) with regard to coverage under the third prong of the definition of disability and to reinstate the reasoning of the Supreme Court in School Board of Nassau County v. Arline, 480 U.S. 273 (1987) which set forth a broad view of the third prong of the definition of handicap under the Rehabilitation Act of 1973;

(4) to reject the standards enunciated by the Supreme Court in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002), that the terms ''substantially'' and ''major'' in the definition of disability under the ADA ''need to be interpreted strictly to create a demanding standard for qualifying as disabled,'' and that to be substantially limited in performing a major life activity under the ADA ''an individual must have an impairment that prevents or severely restricts the individual from doing activities that are of central importance to most people's daily lives'';

(5) to convey congressional intent that the standard created by the Supreme Court in the case of Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002) for ''substantially limits'', and applied by lower courts in numerous decisions, has created an inappropriately high level of limitation necessary to obtain coverage under the ADA, to convey that it is the intent of Congress that the primary object of attention in cases brought under the ADA should be whether entities covered under the ADA have complied with their obligations, and to convey that the question of whether an individual's impairment is a disability under the ADA should not demand extensive analysis; and

(6) to express Congress' expectation that the Equal Employment Opportunity Commission will revise that portion of its current regulations that defines the term ''substantially limits'' as ''significantly restricted'' to be consistent with this Act, including the amendments made by this Act.

SEC. 3. CODIFIED FINDINGS.

Section 2(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) physical or mental disabilities in no way diminish a person's right to fully participate in all aspects of society, yet many people with physical or mental disabilities have been precluded from doing so because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination;'';

(2) by striking paragraph (7); and

(3) by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

SEC. 4. DISABILITY DEFINED AND RULES OF CONSTRUCTION.

(a) DEFINITION OF DISABILITY.—Section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102) is amended to read as follows:

''SEC. 3. DEFINITION OF DISABILITY.

''As used in this Act:

''(1) DISABILITY.—The term 'disability' means, with respect to an individual—

''(A) a physical or mental impairment that substantially limits one or more major life activities of such individual;

''(B) a record of such an impairment; or

''(C) being regarded as having such an impairment (as described in paragraph (3)).

''(2) MAJOR LIFE ACTIVITIES.—

''(A) IN GENERAL.—For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

''(B) MAJOR BODILY FUNCTIONS.—For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

''(3) REGARDED AS HAVING SUCH AN IMPAIRMENT.—For purposes of paragraph (1)(C):

''(A) An individual meets the requirement of 'being regarded as having such an impairment' if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

''(B) Paragraph (1)(C) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

''(4) RULES OF CONSTRUCTION REGARDING THE DEFINITION OF DISABILITY.—The definition of 'disability' in paragraph (1) shall be construed in accordance with the following:

''(A) The definition of disability in this Act shall be construed in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act.

''(B) The term 'substantially limits' shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.

''(C) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

''(D) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

''(E)(i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as—

''(I) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;

''(II) use of assistive technology;

''(III) reasonable accommodations or auxiliary aids or services; or

''(IV) learned behavioral or adaptive neurological modifications.

''(ii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

''(iii) As used in this subparagraph—

''(I) the term 'ordinary eyeglasses or contact lenses' means lenses that are intended to fully correct visual acuity or eliminate refractive error; and

''(II) the term 'low-vision devices' means devices that magnify, enhance, or otherwise augment a visual image.''.

(b) CONFORMING AMENDMENT.—The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) is further amended by adding after section 3 the following:

''SEC. 4. ADDITIONAL DEFINITIONS.

''As used in this Act:

''(1) AUXILIARY AIDS AND SERVICES.—The term 'auxiliary aids and services' includes—

''(A) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

''(B) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;

''(C) acquisition or modification of equipment or devices; and

''(D) other similar services and actions.

''(2) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.''.

(c) AMENDMENT TO THE TABLE OF CONTENTS.—The table of contents contained in section 1(b) of the Americans with Disabilities Act of 1990 is amended by striking the item relating to section 3 and inserting the following items:

''Sec. 3. Definition of disability.
''Sec. 4. Additional definitions.''.

SEC. 5. DISCRIMINATION ON THE BASIS OF DISABILITY.

(a) ON THE BASIS OF DISABILITY.—Section 102 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112) is amended—

(1) in subsection (a), by striking ''with a disability because of the disability of such individual'' and inserting ''on the basis of disability''; and

(2) in subsection (b) in the matter preceding paragraph (1), by striking ''discriminate'' and inserting ''discriminate against a qualified individual on the basis of disability''.

(b) QUALIFICATION STANDARDS AND TESTS RELATED TO UNCORRECTED VISION.—Section 103 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12113) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and inserting after subsection (b) the following new subsection:

''(c) QUALIFICATION STANDARDS AND TESTS RELATED TO UNCORRECTED VISION.—Notwithstanding section 3(4)(E)(ii), a covered entity shall not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and consistent with business necessity.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 101(8) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(8)) is amended—

(A) in the paragraph heading, by striking ''WITH A DISABILITY''; and

(B) by striking ''with a disability'' after ''individual'' both places it appears.

(2) Section 104(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12114(a)) is amended by striking ''the term 'qualified individual with a disability' shall'' and inserting ''a qualified individual with a disability shall''.

SEC. 6. RULES OF CONSTRUCTION.

(a) Title V of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201 et seq.) is amended—

(1) by adding at the end of section 501 the following:

''(e) BENEFITS UNDER STATE WORKER'S COMPENSATION LAWS.—Nothing in this Act alters the standards for determining eligibility for benefits under State worker's compensation laws or under State and Federal disability benefit programs.

''(f) FUNDAMENTAL ALTERATION.—Nothing in this Act alters the provision of section 302(b)(2)(A)(ii), specifying that reasonable modifications in policies, practices, or procedures shall be required, unless an entity can demonstrate that making such modifications in policies, practices, or procedures, including academic requirements in postsecondary education, would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations involved.

''(g) CLAIMS OF NO DISABILITY.—Nothing in this Act shall provide the basis for a claim by an individual without a disability that the individual was subject to discrimination because of the individual's lack of disability.

''(h) REASONABLE ACCOMMODATIONS AND MODIFICATIONS.—A covered entity under title I, a public entity under title II, and any person who owns, leases (or leases to), or operates a place of public accommodation under title III, need not provide a reasonable accommodation or a reasonable modification to policies, practices, or procedures to an individual who meets the definition of disability in section 3(1) solely under subparagraph (C) of such section.'';

(2) by redesignating section 506 through 514 as sections 507 through 515, respectively, and adding after section 505 the following:

''SEC. 506. RULE OF CONSTRUCTION REGARDING REGULATORY AUTHORITY.

''The authority to issue regulations granted to the Equal Employment Opportunity Commission, the Attorney General, and the Secretary of Transportation under this Act includes the authority to issue regulations implementing the definitions of disability in section 3 (including rules of construction) and the definitions in section 4, consistent with the ADA Amendments Act of 2008.''; and

(3) in section 511 (as redesignated by paragraph (2)) (42 U.S.C. 12211), in subsection (c), by striking ''511(b)(3)'' and inserting ''512(b)(3)''.

(b) The table of contents contained in section 1(b) of the Americans with Disabilities Act of 1990 is amended by redesignating the items relating to sections 506 through 514 as the items relating to sections 507 through 515, respectively, and by inserting after the item relating to section 505 the following new item:

''Sec. 506. Rule of construction regarding regulatory authority.''.

SEC. 7. CONFORMING AMENDMENTS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) is amended—

(1) in paragraph (9)(B), by striking ''a physical'' and all that follows through ''major life activities'', and inserting ''the meaning given it in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)''; and

(2) in paragraph (20)(B), by striking ''any person who'' and all that follows through the period at the end, and inserting ''any person who has a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).''.

SEC. 8. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on January 1, 2009.

Mr. HARKIN. Mr. President, I ask unanimous consent that the Statement of Managers to Accompany S. 3406, the Americans With Disabilities Act Amendments Act of 2008, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE MANAGERS TO ACCOMPANY S. 3406, THE AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT OF 2008

I. PURPOSE AND SUMMARY OF THE LEGISLATION

The purpose of S. 3406, the ''ADA Amendments Act of 2008'' is to clarify the intention and enhance the protections of the Americans with Disabilities Act of 1990, landmark civil rights legislation that provided ''a clear and comprehensive national mandate for the elimination of discrimination on the basis of disability.'' In particular, the ADA Amendments Act amends the definition of disability by providing clarification and instruction about the terminology used in the definition, by expanding the definition, and by rejecting several opinions of the United States Supreme Court that have had the effect of restricting the meaning and application of the definition of disability.

S. 3406 is the product of an extensive bipartisan effort that included many hours of meetings and negotiation by legislative staff as well as by stakeholders including the disability, business, and education communities. In addition, two hearings were held in the Senate Health, Education, Labor, and Pensions Committee to explore the issues addressed in this legislation. The goal has been to achieve the ADA's legislative objectives in a way that maximizes bipartisan consensus and minimizes unintended consequences.

This legislation amends the Americans with Disabilities Act of 1990 by making the changes identified below.

Aligning the construction of the Americans with Disabilities Act with Title VII of the Civil Rights Act of 1964, the bill amends Title I of the ADA to provide that no covered entity shall discriminate against a qualified individual ''on the basis of disability.''

The bill maintains the ADA's inherently functional definition of disability as a physical or mental impairment that substantially limits one or more life activities; a record of such impairment; or being regarded as having such an impairment. It clarifies and expands the definition's meaning and application in the following ways.

First, the bill deletes two findings in the ADA which led the Supreme Court to unduly restrict the meaning and application of the definition of disability. These findings are that there are ''some 43,000,000 Americans have one or more physical or mental disabilities'' and that ''individuals with disabilities are a discrete and insular minority.'' The Court treated these findings as limitations on how it construed other provisions of the ADA. This conclusion had the effect of interfering with previous judicial precedents holding that, like other civil rights statutes, the ADA must be construed broadly to effectuate its remedial purpose. Deleting these findings removes this barrier to construing and applying the definition of disability more generously.

Second, the bill affirmatively provides that the definition of disability ''shall be construed in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act.'' It retains the term ''substantially limits'' from the original ADA definition but makes it clear that this is intended to be a less demanding standard than that enunciated by the U.S. Supreme Court in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams. With this rule of construction and relevant purpose language, the bill rejects the Supreme Court's holding in Toyota v. Williams that the terms ''substantially'' and ''major'' in the definition of disability must be ''be interpreted strictly to create a demanding standard for qualifying as disabled,'' as well as the Court's interpretation that ''substantially limits'' means ''prevents or severely restricts.''

Third, the bill prohibits consideration of mitigating measures such as medication, assistive technology, accommodations, or modifications when determining whether an impairment constitutes a disability. This provision and relevant purpose language rejects the Supreme Court's holdings in Sutton v. United Air Lines and its companion cases that mitigating measures must be considered. The bill also provides that impairments that are episodic or in remission are to be assessed in an active state.

Fourth, the bill provides new instruction on what may constitute ''major life activities.'' It provides a non-exhaustive list of major life activities within the meaning of the ADA. In addition, the bill expands the category of major life activities to include the operation of major bodily functions.

Fifth, the bill removes from the third ''regarded as'' prong of the disability definition the requirement that an individual demonstrate that he or she has, or is perceived to have, an impairment that substantially limits a major life activity. Under the bill, therefore, an individual can establish coverage under the law by showing that he or she has been subjected to an action prohibited under the Act because of an actual or perceived physical or mental impairment. Because the bill thus broadens application of this third prong of the disability definition, entities covered by the ADA will not be required to provide accommodations or to modify policies and procedures for individuals who fall solely under the third prong. Such entities will, however, still be subject to discrimination claims.

Finally, the bill clarifies that the agencies that currently issue regulations under the ADA have regulatory authority related to the definitions contained in Section 3. Conforming amendments to Section 7 of the Rehabilitation Act of 1973 are intended to ensure harmony between federal civil rights laws.

II. BACKGROUND AND NEED FOR LEGISLATION

When Congress passed the ADA in 1990, it adopted the functional definition of disability from the Section 504 of the Rehabilitation Act of 1973, in part, because after 17 years of development through case law the requirements of the definition were well understood. Within this framework, with its generous and inclusive definition of disability, courts treated the determination of disability as a threshold issue but focused primarily on whether unlawful discrimination had occurred.

More recent Supreme Court decisions imposing a stricter standard for determining disability had the effect of upsetting this balance. After the Court's decisions in Sutton that impairments must be considered in their mitigated state and in Toyota that there must be a demanding standard for qualifying as disabled, lower courts more often found that an individual's impairment did not constitute a disability. As a result, in too many cases, courts would never reach the question whether discrimination had occurred.

Thus, some 18 years later we are faced with a situation in which physical or mental impairments that would previously have been found to constitute disabilities are not considered disabilities under the Supreme Court's narrower standard. These can include individuals with impairments such as amputation, intellectual disabilities, epilepsy, multiple sclerosis, diabetes, muscular dystrophy, and cancer. The resulting court decisions contribute to a legal environment in which individuals must demonstrate an inappropriately high degree of functional limitation in order to be protected from discrimination under the ADA.

The ADA Amendments Act rejects the high burden required in these cases and reiterates that Congress intends that the scope of the Americans with Disabilities Act be broad and inclusive. It is the intent of the legislation to establish a degree of functional limitation required for an impairment to constitute a disability that is consistent with what Congress originally intended, a degree that is lower than what the courts have construed it to be. In addition, the bill provides for application of this standard to a wider range of cases by expanding the category of major life activities. These steps, resulting from extensive bipartisan negotiation and discussion among legislators and stakeholders, are intended to provide for more generous coverage and application of the ADA's prohibition on discrimination through a framework that is more predictable, consistent, and workable for all entities subject to responsibilities under the ADA.

III. EXPLANATION OF THE BILL AND MANAGER'S VIEWS

Overview

The Americans with Disabilities Act of 1990 (''the ADA'') is a landmark statute that has fundamentally changed the lives of many millions of Americans with disabilities. The managers of this legislation were proud to be leaders in that effort that was accomplished in a deliberative careful manner that allowed for the development of a strong bipartisan coalition in both Houses of Congress and the Administration of President George H. W. Bush and led to Senate passage with a definitive vote of 91–6.

However, as discussed in more detail below, a series of Court decisions have restricted the coverage and diminished the civil rights protections of the ADA, especially in the workplace, by narrowing its definition of disability. As a result, lower court cases have too often turned solely on the question of whether the plaintiff is an individual with a disability rather than the merits of discrimination claims, such as whether adverse decisions were impermissibly made by the employer on the basis of disability, reasonable accommodations were denied inappropriately, or qualification standards were unlawfully discriminatory.

The managers have introduced the ADA Amendments Act of 2008 to restore the proper balance and application of the ADA by clarifying and broadening the definition of disability, and to increase eligibility for the protections of the ADA. It is our expectation that because this bill makes the definition of disability more generous, some people who were not covered before will now be covered. The strong bipartisan support for this legislation once again demonstrates the continuing bipartisan commitment to protecting the civil rights of individuals with disabilities among members of the Senate Committee on Health Education Labor and Pensions and the Senate as a whole.

The ADA Amendments Act renews our commitment to ensuring that all Americans with disabilities, including a new generation of disabled veterans who are just beginning to grapple with the challenge of living to their full potential despite the limitations imposed by their disabilities, are able to participate to the fullest possible extent in all facets of society, including the workplace. We acknowledge and applaud the substantial improvements in medical science and the courageous efforts of individuals with disabilities to overcome the impact of those disabilities, but in no way wish to exclude them thereby from protection under the ADA.

By retaining the essential elements of the definition of disability including the key term ''substantially limits'' we reaffirm that not every individual with a physical or mental impairment is covered by the first prong of the definition of disability in the ADA. An impairment that does not substantially limit a major life activity is not a disability under this prong. That will not change after enactment of the ADA Amendments Act, nor will the necessity of making this determination on an individual basis. What will change is the standard required for making this determination. This bill lowers the standard for determining whether an impairment constitute a disability and reaffirms the intent of Congress that the definition of disability in the ADA is to be interpreted broadly and inclusively.

Findings and Purposes

Given the importance the Court has placed upon findings and purposes particularly in civil rights statutes like the ADA, the ADA Amendments Act contains a detailed Findings and Purposes section that the managers believe gives clear guidance to the courts and that they intend to be applied appropriately and consistently. As described above, the legislation deletes two findings in the ADA that have been interpreted by the Supreme Court to require a narrow definition of disability. We continue to believe that individuals with disabilities ''have been faced with restrictions and limitations, subjected to a history of purposeful unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotypic assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to, society.''

In addition to deleting the findings forming the basis of the Sutton and Toyota decisions, the bill states explicitly its purpose to reject the holdings in those cases (and their progeny), and to ensure broad coverage under the ADA. To be clear, the purposes section conveys our intent to clarify not only that ''substantially limits'' should be measured by a lower standard than that used in Toyota, but also that the definition of disability should not be unduly used as a tool for excluding individuals from the ADA's protections.

The bill expresses the clear intent of Congress that the EEOC will revise its regulations that similarly improperly define the term ''substantially limits'' as ''significantly restricted''; again, this sets too high a standard.

The bill's purposes also reject the Supreme Court's holding that mitigating measures must be considered when determining whether an impairment constitutes a disability. With the exception of ordinary eyeglasses and contact lenses, impairments must be examined in their unmitigated state.

These purposes are specifically incorporated into the statute by the rule of construction providing that the term ''substantially limits'' shall be construed consistently with the findings and purposes of the ADA Amendments Act of 2008. This rule of construction, together with the rule of construction providing that the definition of disability shall be construed in favor of broad coverage of individuals sends a clear signal of our intent that the courts must interpret the definition of disability broadly rather than stringently.

Definition of Disability

In the ADA of 1990, Congress sought to protect anyone who experiences discrimination because of a current, past, or perceived disability. Under the ADA, there are three prongs of the definition of disability, with respect to an individual:

(1) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(2) a record of such an impairment; or

(3) being regarded as having such an impairment.

This definition is of critical importance because as a threshold issue it determines whether an individual is covered by the ADA. The ADA Amendments Act retains the definition of disability but further defines and clarifies three critical terms within the existing definition (''substantially limits,'' ''major life activities,'' ''regarded as having such impairment'') and, under the rules of construction for the definition, adds several standards that must be applied when considering the definition of disability.

Physical or Mental Impairment

The bill does not provide a definition for the terms ''physical impairment'' or ''mental impairment.'' The managers expect that the current regulatory definition of these terms, as promulgated by agencies such as the U.S. Equal Employment Opportunity Commission (EEOC), the Department of Justice (DOJ) and the Department of Education Office of Civil Rights (DOE OCR) will not change.

Substantially Limits

We do not believe that the courts have correctly instituted the level of coverage we intended to establish with the term ''substantially limits'' in the ADA. In particular, we believe that the level of limitation, and the intensity of focus, applied by the Supreme Court in Toyota goes beyond what we believe is the appropriate standard to create coverage under this law.

We have extensively deliberated with regard to whether a new term, other than the term ''substantially limits'' should be used in this Act. For example, in its ADA Amendments Act, H.R.3195, the House of Representatives attempted to accomplish this goal by stating that the key phrase ''substantially limits'' means ''materially restricts'' in order to convey that Congress intended to depart from the strict and demanding standard applied by the Supreme Court in Sutton and Toyota.

We have concluded that adopting a new, undefined term that is subject to widely disparate meanings is not the best way to achieve the goal of ensuring consistent and appropriately broad coverage under this Act. The resulting need for further judicial scrutiny and construction will not help move the focus from the threshold issue of disability to the primary issue of discrimination.

We believe that a better way is to express our disapproval of Sutton and Toyota (along with the current EEOC regulation) is to retain the words ''substantially limits,'' but clarify that it is not meant to be a demanding standard. In addition, we believe eliminating the source of the Supreme Court's decisions narrowing the definition and providing more appropriate findings and purposes for properly construing that definition will accomplish our goal without introducing novel statutory terms.

We believe that the manner in which we understood the intended scope of ''substantially limits'' in 1990 continues to capture our sense of the appropriate level of coverage under this law for purposes of placing on employers and other covered entities the obligation of providing reasonable accommodations and modifications to individuals with impairments. As we described this in our committee report to the original ADA in 1989:

''A person is considered an individual with a disability for purposes of the first prong of the definition when [one or more of] the individual's important life activities are restricted as to the conditions, manner, or duration under which they can be performed in comparison to most people. A person who can walk for 10 miles continuously is not substantially limited in walking merely because on the eleventh mile, he or she begins to experience pain because most people would not be able to walk eleven miles without experiencing some discomfort. S. Rep. No 101–116, at 23 (1989).''

We particularly believe that this test, which articulated an analysis that considered whether a person's activities are limited in condition, duration and manner, is a useful one. We reiterate that using the correct standard—one that is lower than the strict or demanding standard created by the Supreme Court in Toyota—will make the disability determination an appropriate threshold issue but not an onerous burden for those seeking accommodations or modifications. At the same time, plaintiffs should not be constrained from offering evidence needed to establish that their impairment is substantially limiting.

Thus, we believe that the term ''substantially limits'' as construed consistently with the findings and purposes of this legislation establishes an appropriate functionality test for determining whether an individual has a disability.

Major Life Activities

The bill provides significant new guidance and clarification on the subject of major life activities. First, a rule of construction clarifies that that an impairment need only substantially limit one major life activity to be considered a disability under the ADA. This responds to and corrects those courts that have required individuals to show that an impairment substantially limits more than one life activity. It is additionally intended to clarify that the ability to perform one or more particular tasks within a broad category of activities does not preclude coverage under the ADA.

For purposes of clarity, the bill provides an illustrative list of ''major life activities'' including activities such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. In addition, for the first time, the category of ''major life activities'' is defined to include the operation of major bodily functions, thus better addressing chronic impairments that can be substantially limiting. Major bodily functions include functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

Both the list of major life activities and major bodily functions are illustrative and non-exhaustive, and the absence of a particular life activity or bodily function from the list does not create a negative implication as to whether such activity or function constitutes a ''major life activity'' under the statute.

Finally, we also want to illuminate one area which may be easily misunderstood, with respect to individuals with specific learning disabilities. When considering the condition, manner, or duration in which an individual with a specific learning disability performs a major life activity, it is critical to reject the assumption that an individual who has performed well academically cannot be substantially limited in activities such as learning, reading, writing, thinking, or speaking.

Rules of Construction on the Definition of Disability

The bill further clarifies the definition of disability with a series of rules of construction. As discussed elsewhere, the rules of construction specifically require that the definition of disability be interpreted broadly and that the term ''substantially limits'' be interpreted consistent with this legislation. This construction is also intended to reinforce the general rule that civil rights statutes must be broadly construed to achieve their remedial purpose. In addition, the rules of construction provide that impairments that are episodic or in remission be assessed in their active state for purposes of determining coverage under the ADA.

Mitigating Measures

The bill also prohibits consideration of the ameliorative effects of mitigating measures when determining whether an individual's impairment substantially limits major life activities, overturning the Supreme Court's decision in Sutton and its companion cases. This provision is intended to eliminate the situation created under current law in which impairments that are mitigated do not constitute disabilities but are the basis for discrimination. We expect that when such mitigating measures are ignored, some individuals previously found not disabled will now be able to claim the ADA's protection against discrimination.

The legislation provides an illustrative but non-comprehensive list of the types of mitigating measures that are not to be considered. This list also includes low vision devices, which are devices that magnify, enhance, or otherwise augment a visual image, such as magnifiers, closed circuit television, larger-print items, and instruments that provide voice instructions. The absence of any particular mitigating measure from this list should not convey a negative implication as to whether the measure is a mitigating measure under the ADA.

We also believe that an individual with an impairment that substantially limits a major life activity should not be penalized when seeking protection under the ADA simply because he or she managed their own adaptive strategies or received accommodations (including informal or undocumented ones) that have the effect of lessening the deleterious impacts of their disability.

The bill provides one exception to the rule on mitigating measures, specifying that ordinary eyeglasses and contact lenses are to be considered in determining whether a person has a disability. The rationale behind this exception is that the use of ordinary eyeglasses or contact lenses, without more, is not significant enough to warrant protection under the ADA. Nevertheless, if an applicant or employee is faced with a qualification standard that requires uncorrected vision (as the sisters in the Sutton case were), an employer will be required to demonstrate that the qualification standard is job-related and consistent with business necessity.

Regarded As

Under this bill, the third prong of the disability definition will apply to impairments, not only to disabilities. As such, it does not require a functional test to determine whether an impairment substantially limits a major life activity.

This section of the definition of disability was meant to express our understanding that unfounded concerns, mistaken beliefs, fears, myths, or prejudice about disabilities are often just as disabling as actual impairments, and our corresponding desire to prohibit discrimination founded on such perceptions. In 1990 we relied extensively on the reasoning of School Board of Nassau County v. Arline that the negative reactions of others are just as disabling as the actual impact of an impairment. This legislation restates our reliance on the broad views enunciated in that decision and we believe that courts should continue to rely on this standard.

We intend and believe that the fact that an individual was discriminated against because of a perceived or actual impairment is sufficient. Thus, the bill clarifies that contrary to Sutton, an individual who is ''regarded as having such an impairment'' is not subject to a functional test. If an individual establishes that he or she was subjected to an action prohibited by the ADA because of an actual or perceived impairment—whether the person actually has the impairment or whether the impairment constitutes a disability—then the individual will qualify for protection under the Act.

This provision is subject to two important limitations. First, individuals with impairments that are transitory and minor are excluded from eligibility for the protections of the ADA under this prong of the definition, and second, the bill relieves entities covered under the ADA from the obligation and responsibility to provide reasonable accommodations and reasonable modifications to an individual who qualifies for coverage under the ADA solely by being ''regarded as'' disabled.

Transitory and Minor

The bill contains an exception that clarifies that coverage for individuals under the ''regarded as'' prong is not available where an individual's impairment is both transitory (six months or less) and minor. Providing this exception responds to concerns raised by employer organizations and is reasonable under the ''regarded as'' prong of the definition because individuals seeking coverage under this prong need not meet the functional limitation requirement contained in the first two prongs of the definition. A similar exception for the first two prongs of the definition is unnecessary as the functional limitation requirement already excludes claims by individuals with ailments that are minor and short term.

Accommodations

The bill establishes that entities covered under the ADA do not need to provide reasonable accommodations under Title I or modify policies, practices, or procedures under Titles II or III when an individual qualifies for coverage under the ADA solely by being ''regarded as'' having a disability under the third prong of the definition of disability.

Under current law, a number of courts have required employers to provide reasonable accommodations for individuals who are

covered solely under the ''regarded as'' prong. In each of those cases, the plaintiffs were found not to be covered under the first prong of the definition of disability because of the overly stringent manner in which the courts had been interpreting that prong. Because of our strong belief that accommodating individuals with disabilities is a key goal of the ADA, some members continue to have reservations about this provision. However, we believe it is an acceptable compromise given our strong expectation that such individuals would now be covered under the first prong of the definition, properly applied.

Discrimination on the Basis of Disability

The bill amends Section 102 of the ADA to mirror the structure of nondiscrimination protection provision in Title VII of the Civil Rights Act of 1964. It changes the language from prohibiting discrimination against a qualified individual ''with a disability because of the disability of such individual'' to prohibiting discrimination against a qualified individual ''on the basis of disability.'' This ensures that the emphasis in questions of disability discrimination is properly on the critical inquiry of whether a qualified person has been discriminated against on the basis of disability, and not unduly focused on the preliminary question of whether a particular person is a ''person with a disability.''

Rules of Construction

Benefits Under State Worker's Compensation Laws

The bill provides that nothing in the Act alters the standards for determining eligibility for benefits under State worker's compensation laws or other Federal or State disability benefit programs.

Fundamental Alteration

The bill reiterates that no changes are being made to the underlying ADA provision that no accommodations or modifications in policies are required when a covered entity can demonstrate that making such modifications would fundamentally alter the nature of the service being provided. This provision was included at the request of the higher education community and specifically includes ''academic requirements in postsecondary education'' among the types of policies, practices, and procedures that may be shown to be fundamentally altered by the requested modification or accommodation to reaffirm current law. It is included solely to provide assurances that the bill does not alter current law with regard to the obligations of academic institutions under the ADA, which we believe is already demonstrated in case law on this topic. Specifically, the reference to academic standards in postsecondary education is unrelated to the purpose of this legislation and should be given no meaning in interpreting the definition of disability.

Claims of No Disability

The bill prohibits reverse discrimination claims by disallowing claims based on the lack of disability, (e.g., a claim by someone without a disability that someone with a disability was treated more favorably by, for example, being granted a reasonable accommodation or modification to services or programs). Our intent is to clarify that a person without a disability does not have the right under the Act to bring an action against an entity on the grounds that he or she was discriminated against ''on the basis of disability'' (i.e., on the basis of not having a disability).

Regulatory Authority

In Sutton, the Supreme Court stated that ''[n]o agency . . . has been given authority to issue regulations implementing the generally applicable provisions of the ADA which fall outside Titles I–V.'' The bill clarifies that the authority to issue regulations is granted to the Equal Employment Opportunity Commission, the Attorney General, and the Secretary of Transportation and specifically includes the authority to issue regulations implementing the definition of disability as amended and clarified by this legislation.

We anticipate that the agencies charged with regulatory authority under the ADA will make any necessary modifications to their regulations to reflect the changes and clarifications embodied in the ADA Amendments Act, including the addition of major bodily functions as major life activities and the broadening of the ''regarded as'' prong. We also expect that the Equal Employment Opportunity Commission (EEOC) will revise the portion of its ADA regulations that defines ''substantially limits'' as ''unable to perform a major life activity. . . . or significantly restricted as to . . . a particular major life activity . . . .'' given the clear inconsistency of that portion of the regulation with the intent of this legislation.

Conforming Amendment

The bill ensures that the definition of disability in Section 7 of the Rehabilitation Act of 1973, which shares the same definition, is consistent with the ADA. The Rehabilitation Act of 1973 preceded the ADA in providing civil rights protections to individuals with disabilities, and in drafting the definition of disability in the ADA, the authors relied on the statute and implementing regulations of the Rehabilitation Act. Maintaining uniform definitions in the two federal statutes is important so that such entities will generally operate under one consistent standard, and the civil rights of individuals with disabilities will be protected in all settings. The ADA, under Title II and Title III, and Section 504 of the Rehabilitation Act provide overlapping coverage for many entities, including public schools, institutions of higher education, childcare facilities, and other entities receiving federal funds.

We expect that the Secretary of Education will promulgate new regulations related to the definition of disability to be consistent with those issued by the Attorney General under this Act. We believe that other current regulations issued by the Department of Education Office of Civil Rights under Section 504 of the Rehabilitation Act are currently harmonious with Congressional intent under both the ADA and the Rehabilitation Act.

Conclusion

We intend that that the sum of these changes will make the threshold definition of disability in the ADA—under which individuals qualify for protection from discrimination more generous, and will result in the coverage of some individuals who were previously excluded from those protections.

We note that with the changes made by the ADA Amendments Act, courts will have to address whether an impairment constitutes a disability under the first and second, but not the third, prong of the definition of disability. The functional limitation imposed by an impairment is irrelevant to the third ''regarded as'' prong.

In general, individuals may find it easier to establish disability under this bill's more generous standard than under the Supreme Court's demanding standard. To repeat, we intend this bill to return the legal analysis to the balance that existed before the Supreme Court's Sutton and Toyota decisions. The determination of disability is a necessary threshold issue in many cases, but an appropriately generous standard on that issue will allow courts to focus primarily on whether discrimination has occurred or accommodations improperly refused.

IV. LEGISLATIVE HISTORY AND COMMITTEE ACTION

Prior to introduction of the ADA Amendments Act of 2008 on July 31, 2008 with 55 original cosponsors the following actions occurred in the 110th Congress.

On July 26, 2007, Senator Tom Harkin introduced S. 1881, the ADA Restoration Act of 2007 together with Senator Arlen Specter. Senator Edward Kennedy, the Chairman of the Senate Health, Education, Labor and Pensions Committee cosponsored the legislation along with Senator Ted Stevens. The bill was referred to the Senate Health, Education, Labor, and Pensions Committee.

Similarly, on July 26, 2007, Representatives Steny H. Hoyer (D-MD) and James F. Sensenbrenner (R-WI) introduced H.R. 3195, the ADA Restoration Act of 2007, with 144 original cosponsors. The bill was referred to the House Committees on Education and Labor, Judiciary, Transportation and Infrastructure, and Energy and Commerce.

On October 4, 2007, the House Judiciary Committee held a hearing on H.R. 3195. Six witnesses appeared before the committee: Honorable Steny Hoyer (D-MD), House Majority Leader; Cheryl Sensenbrenner, Chair of the Board, American Association of People with Disabilities; Stephen Orr, Pharmacist (Plaintiff in Orr v. Wal-Mart); Michael Collins, Executive Director, National Council on Disability; Lawrence Lorber, Attorney, on behalf of the U.S. Chamber of Commerce; Chai Feldblum, Director, Federal Legislation Clinic and Professor of Law, Georgetown Law Center.

On November 15, 2007, the Senate HELP Committee held a hearing chaired by Senator Tom Harkin, ''Restoring Congressional Intent and Protections under the Americans with Disabilities Act'' Five witnesses appeared before the committee: John D. Kemp, President, United States International Council on Disabilities; Dick Thornburgh, Former United States Attorney General and Counsel, Kirkpatrick & Lockhart; Steven Orr, Pharmacist (Plaintiff in Orr v. Wal-Mart), Camille Olson, Labor and Employment Attorney, Seyfarth & Shaw; Chai Feldblum, Director, Federal Legislation Clinic and Professor of Law, Georgetown Law Center.

On January 29, 2008, the House Committee on Education and Labor held a hearing on H.R. 3195. Five witnesses appeared before the committee: Honorable Steny Hoyer (D-MD), House Majority Leader; Andrew Imparato, President and CEO, American Association of People with Disabilities; Carey McClure, Electrician (Plaintiff in McClure v. General Motors); Robert L. Burgdorf, Professor of Law, University of the District of Columbia; David K. Fram, Director, ADA & EEO Services, National Employment Law Institute.

On June 18, 2008, the House Committee on Education & Labor held a markup to consider H.R. 3195. An amendment was offered as a substitute to the original bill, and it was reported out of the Committee by a vote of 43 to 1.

On June 18, 2008, the Committee on the Judiciary held a markup to consider H.R. 3195. An amendment was offered as a substitute to the original bill, and it was reported out of the Committee by a vote of 27 to 0.

On June 25, 2008, the United States House of Representatives held a vote on H.R. 3195 and passed the legislation by a vote of 402–17.

On July 15, 2008, the Senate HELP Committee held a Roundtable: ''H.R. 3195 and Determining the Proper Scope of Coverage for the Americans with Disabilities Act'' Eight individuals gave testimony before the committee: Samuel R. Bagenstos, Professor of

Law, Washington University School of Law; Carey McClure, Electrician (Plaintiff in McClure v. General Motors); JoAnne Simon, Disability Rights Attorney; Sue Gamm, Elementary and Secondary Education Consultant; Terry Hartle, Senior Vice President, American Council on Education; Chai Feldblum, Professor, Federal Legislation Clinic, Georgetown University Law Center, Washington, DC; Michael Eastman, Executive Director of Labor Policy, U.S. Chamber of Commerce; Andrew Grossman, Senior Legal Policy Analyst, Heritage Foundation.

On July 31, 2008, Senators Tom Harkin and Orrin Hatch introduced S. 3406, The ADA Amendments Act of 2008. The bill was placed on the Senate calendar (under general orders/pursuant to Rule XVI?).

V. APPLICATION OF THE LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1, the Congressional Accountability Act (CAA), requires a description of the application of this bill to the legislative branch. S. 3604 does not amend any act that applies to the legislative branch.

VI. REGULATORY IMPACT STATEMENT

The managers have determined that the bill may result in some additional paperwork, time, and costs to the Equal Employment Opportunity Commission, which would be entrusted with implementation and enforcement of the act. It is difficult to estimate the volume of additional paperwork necessity by the bill, but the committee does not believe it will be significant. Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee has determined that the bill will not have a significant regulatory impact.

VII. SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title. This Act may be cited as the 'ADA Amendments Act of 2008.'

Sec. 2. Findings and Purposes. Acknowledges Congressional intent of the Americans with Disabilities Act of 1990 (ADA) to ''provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities'' and to provide broad coverage, and that the U.S. Supreme Court subsequently erroneously narrowed the definition of disability in a series of cases. The purposes of the Act are to reinstate a broad scope of protection to be available under the ADA, to reject several Supreme Court decisions, and to re-establish original Congressional intent related to the definition of disability.

Sec. 3. Codified Findings. Amends one finding in the ADA to acknowledge that many people with physical or mental impairments have been subjected to discrimination, and strikes one finding related to describing the population of individuals with disabilities as ''a discrete and insular minority.''

Sec. 4. Disability Defined and Rules of Construction. Amends the definition of ''disability'' and provides rules of construction for applying the definition. The term ''disability'' is defined to mean, with respect to an individual, a physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having such an impairment; provides an illustrative list of 'major life activities' including major bodily functions; and defines 'regarded as having such an impairment' as protecting individuals who have been subject to an action prohibited under the ADA because of an actual or perceived impairment, whether or not the impairment is perceived to limit a major life activity. Requires the definition of disability to be construed broadly and consistent with the findings and purposes. Provides rules of construction regarding the definition of disability, requiring that impairments need only limit one major life activity; clarifying an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active; and prohibiting the consideration of the ameliorative effects of mitigating measures such as medication, learned behavioral modifications, or auxiliary aids or services, in determining whether an impairment is substantially limiting, while excluding ordinary eyeglasses and contact lenses.

Sec. 5. Discrimination on the Basis of Disability. Prohibits discrimination under Title I of the ADA 'on the basis of disability' rather than 'against a qualified individual with a disability because of the disability of such individual.' Clarifies that covered entities that use qualification standards based on uncorrected vision must show that such a requirement is job-related and consistent with business necessity.

Sec. 6. Rules of Construction. Provides that nothing in this Act alters the standards for determining eligibility for benefits under State worker's compensation laws or other disability benefit programs. Prohibits reverse discrimination claims by disallowing claims based on the lack of disability. Provides that nothing in this Act alters the provision in Title III that a modification of policies or practices is not required if it fundamentally alters the nature of the service being provided. Establishes that entities covered under all three titles of the ADA are not required to provide reasonable accommodations or modifications to an individual who meets the definition of disability only as a person 'regarded as having such an impairment.' Authorizes the EEOC, Attorney General, and the Secretary of Transportation to promulgate regulations implementing the definition of disability and rules of construction related to the definition.

Sec. 7. Conforming Amendments. Amends Section 7 of the Rehabilitation Act of 1973 to cross-reference the definition of disability under the ADA.

Sec. 8. Effective Date. Amendments made by the Act take effect January 1, 2009.

September 11, 2008.

TOM HARKIN,
U.S. Senator.
ORRIN HATCH,
U.S. Senator.

Mr. HARKIN. Madam President, I am extremely proud to be the chief sponsor of the ADA Amendments Act of 2008, along with the distinguished senior Senator from Utah, Senator ORRIN HATCH. This bipartisan legislation will allow us to advance and fulfill the original promise of the Americans With Disabilities Act, which was signed into law 18 years ago.

I am especially grateful to Senator HATCH for his leadership and for his friendship through all these years in helping to craft and move this bill here in the Senate. Senator HATCH was one of the key players in helping get through the original ADA back in 1989 and 1990 when we passed it. And in this effort we have here today, he has become a true partner. I deeply appreciate his willingness to take on this critical role. I think it is safe to say that without the help and intense interest of Senator HATCH on this issue, and especially on the whole ADA process, the bill would not be here today. Again, I am so grateful to Senator HATCH for his friendship and his support through all of this long process.

And it has been a long process. We are not here today because we just met the other day to put this together. It has been a couple of years or more in the making, and at least over a year of very intense negotiations with the business community, the disability community, and others to get to where we are today.

This bill is similar to legislation that was introduced in the other body by the majority leader, STENY HOYER, and Congressman JIM SENSENBRENNER of Wisconsin. That bill passed by a 402-to-17 margin in June, and of course the bill we have here today is going to pass unanimously.

I am also grateful that from the outset these bills have been conceived and crafted in a spirit of genuine bipartisanship, with Members of both parties coming together to do the right thing for Americans with disabilities. Today, we have nearly 80 Senators cosponsoring this bill. Of course, passage of the original ADA was also a bipartisan effort.

As the chief sponsor of that bill in the Senate, I worked very closely with a great number of people on both sides of the aisle, both here and in the administration—Senator Bob Dole, of course, and others on both sides of the aisle. We received invaluable support from then-President George Herbert Walker Bush and key members of his administration, including White House counsel Boyden Gray, who worked so hard to get the original bill through; and Attorney General Richard Thornburgh, who helped us craft the bill and made sure we did it in the right way. Dick Thornburgh was so instrumental in that initial passage, and ever since then, for the last 18 years, I have kept in contact with Attorney General Thornburgh periodically, talking about the ADA, what it was doing, how it was being implemented, and of course because of the recent court decisions, discussing with him how we could get to this point today and have a bill that would overturn those court decisions. Former Transportation Secretary Sam Skinner was very involved in this also.

But I would be remiss if I didn't state forthrightly the one person through all these years who was the key mover of the Americans With Disabilities Act of 1990, without whose leadership we could not have gotten it done, and who enabled this Senator to be the chairman of the Disability Policy Subcommittee and to get this bill moved through both subcommittee and committee. He was there from the very beginning to the end and has never let up in all his years on his interest in and support of legislation that would fully incorporate people with disabilities in all aspects of American life. Of course I speak of Senator Ted Kennedy, the chairman of the HELP Committee, who can't be here with us today. He is at home in Massachusetts recuperating and getting better so he can be here with us next year when we take up

health care reform. But if Senator KENNEDY is watching, I wish to say: Ted, this one is for you. We finally got here. We finally got the bill up.

I thank Senator KENNEDY for all of his help in the last 2 to 3 years in pulling everything together, and I am going to have more to say about that at the end when I thank all those wonderful staff members who helped. But Senator KENNEDY has been there from the beginning, in the 1980s, when we were doing this, and all through the 1990s, to now, and I am sorry he can't be here with us today. I know he is here with us in spirit, and that spirit has been strong to get us to this point today.

I also thank Senator ENZI. Prior to a couple of years ago, he was chairman of the HELP Committee and was also very interested in helping to move this legislation along. Since he has been ranking member, he has also been involved, and his staff involved, in making sure we could get this bill here today.

The fact is that Americans from all walks of life take enormous pride in what we have done in the last 18 years since the passage of ADA. No one wants to go backwards. The ADA was one of the landmark civil rights statutes of the 20th century, a long overdue emancipation proclamation for Americans with disabilities. Thanks to that law, we have removed most physical barriers to movement and access for Americans with disabilities. We required employers to provide reasonable accommodations so people with disabilities could have equal opportunity in the workplace. We have greatly advanced the four goals of the ADA: equality of opportunity, full participation, independent living, and economic self-sufficiency.

I think the triumph of the ADA revolution is all around us. I remember a couple of years ago attending a Washington convention of several hundred disability rights advocates, many with significant disabilities. They arrived in Washington on trains and airplanes and buses built to accommodate people with mobility impairments. They came to the hotel on Metro and on regular buses, all seamlessly accessible by wheelchair. They navigated the city streets equipped with curb cuts and ramps. The hotel where the convention took place was equipped in countless ways to accommodate all manner of people with all kinds of disabilities. There were sign language interpreters on the dais so the people with hearing disabilities could be full participants. And the list goes on and on. In other words, a kind of seamless approach to making sure that anyone could participate regardless of their disability.

For many Americans, these many changes are kind of invisible. We kind of take them for granted. We take curb cuts for granted and ramps, and widened doorways for granted. The fact is, every building—think about this—every building being built in America today is fully accessible, with a universal design. A universal design. Now, these changes may be invisible to most people, but for people with disabilities, they are transforming and liberating. The provisions in the ADA outlawed discrimination against qualified individuals with disabilities in the workplace, requiring employers to provide reasonable accommodations. Again, these are liberating and transforming for people with disabilities.

But despite all this progress over the last 18 years, we have a problem. We have a big problem. And the problem arises because of a series of Supreme Court decisions that have greatly narrowed the scope of who is protected by the ADA. As a consequence, people with conditions that common sense would tell us are disabilities are being told by the courts that they are not in fact disabled and, therefore, not eligible for the protections of the law. For example, in a ruling last year, the 11th Circuit Court concluded that a person with an intellectual disability was not ''disabled'' under the ADA.

When I try to explain to people what the Supreme Court has done, they are shocked. Impairments that the Court says are not to be considered disabilities under the law—at least in some cases—include amputation, intellectual disabilities, epilepsy, multiple sclerosis, diabetes, muscular dystrophy, cancer, and others.

In three decisions on the same day in June of 1999—what we now know as the Sutton trilogy—the Supreme Court held that corrective and mitigating measures must be considered in determining whether an individual has a disability under the ADA. This is in complete contradiction to congressional intent as we expressed in our committee reports.

When we pass laws around here, we don't put every single little thing in the law; we would have huge bills. What we do is we have committee reports and findings to instruct the courts as to what our intent is. We expect the courts to follow them.

In the Senate committee report, here is what we said:

> Whether a person has a disability should be assessed without regard to the availability of mitigating measures, such as reasonable accommodations or auxiliary aids.

You cannot get much clearer than that. The House report said basically the same thing. It said:

> For example, a person who is hard of hearing is substantially limited in the major life activity of hearing, even though the loss may be corrected through the use of a hearing aid. Likewise, persons with impairments, such as epilepsy or diabetes, which substantially limit a major life activity are covered under . . . the definition of disability, even if the effects of the impairment are controlled by medication.

That was in our report 18 years ago. The Supreme Court ignored that. They ignored it.

In the Sutton case, Sutton v. United Airlines, the Supreme Court held that for persons taking corrective measures to mitigate a physical or mental impairment, the effect of those measures must be taken into account when judging whether a person is ''disabled''—and therefore covered under the law.

That could include anything from visual aids to prostheses.

In Murphy v. the United Parcel Service, the Court applied the same analysis to medication used to treat hypertension, and concluded an employee who was fired because he had high blood pressure and hypertension was not covered because he took medication to alleviate the symptoms. But, again, in our report, as we said before, that should not be taken into account.

In the case of Albertsons v. Kirkingburg—we call it the Kirkingburg case—the Supreme Court went further and declared mitigating measures to be considered in the determination of whether someone is disabled included not only artificial aids such as devices and medications but also subconscious measures that an individual may use to compensate for his or her impairment. What were they talking about? Kirkingburg was an individual who was blind in one eye. Through experience and coping with it, he had been able to compensate for the fact he was blind in one eye. The Court said subconsciously he was able to compensate for that, therefore he must not be disabled. People hear this and they say how could the Supreme Court have decided that?

Last, in another case, the Toyota case, the Court held there must be a ''demanding standing for qualifying as disabled.'' Again, restricted; a demanding standard. We have never said that in the ADA bill. We didn't say that at all.

What has happened is that countless individuals have been excluded from ADA, even though the general rule of all civil rights laws is they should be broadly construed to achieve their remedial purposes, and the ADA is a civil rights statute.

Again, what does all this mean? What this means is the Supreme Court decisions have led to a supreme absurdity, a Catch-22 situation that so many people with disabilities find themselves in today. For example, the more successful a person is at coping with a disability, the more likely it is the Court will find that they are no longer disabled and therefore no longer covered under the ADA. If they are not covered under ADA, then any request that they might make for a reasonable accommodation can be denied. If they do not get the reasonable accommodation, they cannot do their job; and they can get fired and they will not be covered by the ADA and they will not have any recourse.

Let's look at it this way. If you are disabled and you take medication or use an assistive device, then you will be able to do your job, right? If you take the medication, use the assistive device, now you can do your job, but you will not be covered by the ADA.

Therefore, if you ask for a reasonable accommodation, the employer will say: No, you can't do your job, you are fired and, guess what, you go to court and the court will say: You are not disabled, you use an assistive device, you take medication. On the other hand, if you do not take the medication or you do not use an assistive device, you will not be qualified to do the job.

So what is a person with a disability supposed to do? If I use medication or use an assistive device, it enables me to become economically self-sufficient, become independent, become fully integrated in society. If I take medication or use my assistive device I can do that, I can get a job. But then I am no longer covered by ADA, and I can be fired or terminated. I will not get a reasonable accommodation.

You can see what this has done to so many millions of people with disabilities. What am I to do? I want to get a job. But I want the coverage of ADA. But I have to give that up if I use medication or use an assistive device—an absolute absurdity. This is not what I intended. It is not what anyone intended when we passed the ADA 18 years ago.

It boggles the mind that any court would say that multiple sclerosis, muscular dystrophy or epilepsy is not a disability covered by the ADA, but that is where we are today. Think about the troops coming home from Iraq, losing limbs, getting prostheses. The Court might find they are not disabled. If they might need some reasonable accommodations to get a decent job, the Court would find they are not covered by the Americans with Disabilities Act.

As a result, we have to have this bill, and that is what this bill is all about. This bill is about restoring the Americans with Disabilities Act back to where we intended it to be 18 years ago and to give clear directions to the courts about how they should decide these cases. This bill will overturn the so-called Sutton trilogy and Toyota v. Williams and will give clear direction to the courts on exactly what we mean. It will restore the proper balance, it will clarify and broaden the definition of disability, it will increase eligibility for the protections of the ADA.

People who are denied coverage under ADA will now be covered, and we will get rid of that Catch-22 situation that confronts so many people right now with disabilities.

I tell you, this is extremely important in the employment context. According to most recent data, more than 60 percent of individuals with disabilities are not employed. That is shameful, in our society, that we have an unemployment rate among people with disabilities of 60 percent. These are people who want to work, who are capable of work. They want to go out and become fully functioning members of society and contribute to society. All they need is the opportunity.

I can tell you employers find people with disabilities are sometimes the most exemplary of workers. All they need is the opportunity, a reasonable accommodation, and they can do their job. This bill before us today renews our promise to all Americans with disabilities. We basically say we keep the basic language of the original bill, but we also make sure the bill overturns the basis for the reasoning in the Supreme Court decisions—as I said, the Sutton trilogy and Toyota case that has been so problematic.

We clearly state mitigating measures—such as the medication or assistive devices I talked about earlier—are not to be considered in determining whether someone is entitled to the protections of the ADA. No longer is it report language. We put this in bill language so the Supreme Court can't skirt around it again.

The bill will make it easier for people with disabilities to be covered. It expands the definition of disability to include many more life activities, including a new category of major body functions. The latter point is important for people with immune disorders or cancer or kidney disease or liver disease because they no longer need to show what specific activity they are limited in, in order to meet the statutory definition of disability. The bill rejects the current EEOC regulation which says that ''substantially limits'' means ''significantly restricted'' as too high a standard. We indicate Congress's expectation that the regulation be rewritten in a less stringent way and we provide the authority in this bill to do so.

The bill also revives the ''regarded as'' prong of the definition of disability. It makes it easier for those who suffer from discrimination because of a perceived disability to be able to seek relief if they have been fired or subjected to another adverse action. We also say the definition of disability is to be interpreted broadly, to the maximum extent permitted by the ADA.

Again, this bill will give clear direction, of course, as to exactly what we intend: A broad definition, more people covered, and getting rid of that problem of having that Catch-22 situation.

Eighteen years ago, the Americans with Disabilities Act passed with overwhelming bipartisan support, and I am proud to say we have that same level of support today in passing this unanimously. I am grateful for the bipartisan spirit with which we have considered this bill. We have an opportunity to come together to make an important difference for millions of Americans with disabilities.

I might say the bill enjoys strong support in the country. I have a letter I will submit for the RECORD from over 250 business, faith, disability, labor, and military organizations that support this bill and urge its passage.

Madam President, I ask unanimous consent that letter be printed in the RECORD at the conclusion of the statements of both mine and Senator HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. HARKIN. The bill is supported by all the national disability organizations as well the U.S. Chamber of Commerce, the National Association of Manufacturers, the Society for Human Resource Management, and the Human Resources Policy Association.

The genesis of the legislation is a result of direct conversations between the disability and business communities that should serve as a model for other legislative efforts.

I wish to say, there were a lot of negotiations that went on between disability groups, the Chamber of Commerce, the Human Resource Policy Association, National Association of Manufacturers, other business groups. They were long. They were involved. They were tough negotiations. There was a lot of give and take. I think that is the way we have to do things.

To those who say we cannot get anything done around here, I point to this bill. We can get things done around here as long as people of good will are willing to work together. It may take a little time. Sometimes good things take a little time. It takes a lot of negotiations, reaching across the aisle, reaching across to one another, and we can reach these kind of agreements. We can move this country forward, and we can make American society more fair and just and accommodating for all.

I have two last things. I wish to take a moment to recognize our veterans with disabilities. This bill we have before us renews our commitment to ensure that all Americans with disabilities, including a new generation of disabled veterans who are just beginning to grapple with the challenges of living to their full potential, despite any limitations imposed by the disabilities, are able to participate to the fullest possible extent in all facets of society, including the workplace. They deserve equality, access, and opportunity.

I would like to submit for the RECORD a letter from 23 veterans groups supporting this legislation. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VETERANS FOR ADA RESTORATION,
Silver Spring, MD, September 9, 2008.

Re Support for new ADA Amendments Act of 2008. S. 3604

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.
Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATORS HARKIN AND HATCH: When a disabled veteran recovers enough to return to the workforce, it's a slap in the face to run into employment discrimination. That is why we salute you for your leadership in sponsoring S. 3406 to restore the protections of the Americans with Disabilities Act (ADA) that have been eroded by the courts.

As leaders of organizations that represent men and women who have served honorably

in our nation's military, we are proud to support the Senate version of the ADA Amendments Act of 2008 (S. 3406).

This revised ADA bill has broad bipartisan support and the support of an unusual coalition of business, disabilities, civil rights and veterans/military groups who are working together to reverse narrow court interpretations of the ADA that had deprived people with many kinds of disabilities from ADA protection.

It confirms that veterans and other people with disabilities should not lose their civil rights because their conditions can be managed with mitigating measures such as medication, prosthetics and therapy, and assistive technology.

The honorable men and women who have become disabled in the service of our country deserve our support in every way. Often the best healing agent for both mind and body is to return to the workforce with a decent job at a living wage. This bill will help make sure they are protected from unlawful discrimination.

Disabled veterans have already sacrificed so much. The very least we owe our disabled veterans is to make sure they have a remedy when they face discrimination in the workplace because of their disability. It is the patriotic duty of all Americans to protect these patriots against this indignity.

Again, thank you for your leadership in sponsoring the ADA Amendments Act, S. 3406.

Sincerely,

Paul J. Tobin, President and CEO, United Spinal Association; John Rowan, National President, Vietnam Veterans of America; Joseph Violante, National Legislative Director, Disabled American Veterans; Randy L. Pleva, Sr., President, Paralyzed Veterans of America; Lawrence Schulman, National Commander, Jewish War Veterans of the USA; John ''JP'' Brown III, National Commander, AMVETS.

Hershel W. Gober, Legislative Director, Military Order of the Purple Heart; Julie Mock, President, Veterans of Modern Warfare, Inc.; Michael M. Dunn, President & CEO, Air Force Association; VADM Norbert R. Ryan, Jr., USN (Ret.), President, Military Officers Association of America; Thomas Zampieri, Ph.D., Director of Government Relations, Blinded Veterans Association; Joseph A. Wynn, II, Legislative Director, National Association for Black Veterans.

Beth Moten, Legislative and Political Director, American Federation of Government Employees; Rick Jones, Legislative Director, National Association for Uniformed Services; Todd Bowers, Director of Government Affairs, Iraq and Afghanistan Veterans of America; Lupe G. Saldana, National Commander Emeritus, American GI Forum of the U.S; MSG Michael P. Cline, USA (Ret), Executive Director, Enlisted Association of the National Guard of the United States; Patricia M. Murphy, Executive Director, Air Force Women Officers Associated.

Richard M. Dean, CMSgt (Ret), Chief Executive Officer, Air Force Sergeants Association; Daniel I. Puzon, Legislative Director, Naval Reserve Association; Richard C. Schneider, Executive Director of Government Affairs, Non-Commissioned Officers Association; Dennis M. Cullinan, Director, National Legislative Service, Veterans of Foreign Wars; Lani Burnett, CMSgt. USAF (Ret.), Executive Director, Reserve Enlisted Association.

Mr. HARKIN. I last would like to thank those who helped us get to this day, including those who are no longer with us. My friend, Justin Dart, who was so instrumental in helping us get the ADA passed. We are fortunate that his wife Yoshiko continues to carry on his legacy, day after day, week after week, year after year. Ed Roberts, the father of the Independent Living movement, whose work and vision live on.

And all the disability advocates and people with disabilities who have been so dedicated to the goals of the ADA, without whose hard work and dedicated efforts today would not have been possible—people such as Jim Ward and his family, who dedicated almost 2 years of their lives traveling on a bus around the country to every State, showing people about the importance of restoring the protections of ADA. Bob Kafka of ADAPT, who was so instrumental in passage of the ADA, and who has dedicated his life to fulfilling the goals of the ADA.

I wish to say a special thank-you to Jennifer Mathis of the Bazelon Center for her practical and practiced advice; Sandy Finucane of the Epilepsy Foundation; of course to Andy Imparato of the American Association of People With Disabilities for always being there in that leadership position—for his level-headed leadership, for bringing different groups together, and sometimes that is like herding cats to get all of us together. Andy did a great job in making sure we were always there and making sure we had our conferences and negotiations and keeping us all headed in the same direction. So to Andy Imparato I give my highest thanks and my deepest thanks for all of his helpfulness.

Thanks to Nanzy Zirkin of the Leadership Conference on Civil Rights; and to Professor Chai Feldblum of the Georgetown Law Center for creative and innovative thinking, for always being willing to testify before our committee.

Thanks to Randy Johnson and Mike Eastman of the U.S. Chamber of Commerce; to Mike Peterson of the H.R. Policy Association; to Jeri Gillespie of the National Association of Manufacturers; and to Mike Aitken of the Society of Human Resource Management.

Thanks to our key staff members: Tom Jipping and Chris Campbell of Senator HATCH's staff—great to work with—and Lee Perselay, Beth Stein, and Pam Smith of my own staff. Again, they have worked tirelessly on this day after day.

I wish to thank the House committee staff, Sharon Lewis and Heather Sawyer, and Leader HOYER's staff, Keith Abouchar and Michelle Stockwell, as well as a wish for them to make quick work of passing this bill when it gets over to the House.

Of course, I also thank the staff of the HELP Committee, the chairman's staff, Michael Myers, Connie Garner, and Charlotte Burrows, and Brian Hayes with Ranking Member ENZI.

I thank my colleagues on both sides of the aisle who have supported this bill in overwhelming numbers and made it possible to pass the bill and hopefully get it signed into law and advance the original intent of the original Americans with Disabilities Act.

You know, there may not be a lot of people here on the floor of the Senate today, but I can tell you, though, throughout the country there are millions of Americans with disabilities who know what we are doing here. They have been told. They know what we have done over the last couple or 3 years to overturn those Supreme Court decisions. They are waiting anxiously for this bill to be passed, for the House to pass it, and for President Bush to sign it into law so that once again they can go out with full knowledge that they are covered by this civil rights bill, that they can go out and seek employment, that they can travel, that they can seek the accommodations that will make them fully functioning members of our society and knowing that they are covered by the law. So there are millions of Americans with disabilities and their families all over this country today who I know are expressing thanks to all the people who have been involved in getting this done. Again, so many are not here with us today. They know what we are doing, and they are anxiously waiting for this to pass and to get it to the President, and hopefully we will get that done—hopefully by next week.

The last thing was—I thanked a lot of people, but I would be remiss if I did not thank the one person who more than any other set my feet on this course many years ago, who taught me a lot about being disabled, and who taught me a lot about discrimination against people with disabilities. And, of course, I speak of my brother, Frank.

He was here when we passed the original ADA, but he has since passed on. But it was my brother who first said to me many years ago when he was sent to the Iowa School for the Deaf—they called it the Iowa School for the Deaf and Dumb—he said, ''I may be deaf, but I am not dumb.'' It was also my brother who one time said to me that the only thing deaf people cannot do is hear. He wanted to do a lot of things in his life, but because of prejudices, because of discrimination, he was held back and discriminated against. I saw it time after time after time. He was able to persevere and carve out a life of independence and dignity for himself, but I often thought, why did he have to do that? I mean, why did it require an extraordinary effort on his part just to be a contributing member of our society, just to enjoy a lot of things we take for granted?

So I thought so much about that. I thought, you know, if I ever got in a position to do anything about it, I was going to do something. Well, as fortune would have it, I was elected to the House and then later elected to the

Senate and found myself as chairman of the Disability Policy Subcommittee under the tutelage of Senator KENNEDY. We were able to get the first ADA act passed.

I have to tell you a story here, just talking about discrimination. I was sworn into the Senate in January of 1985. I had my brother, Frank; he along with my whole family was here sitting up there in the gallery right back here. I had provided for an interpreter to interpret for my brother as he was watching the proceedings here on the floor of the Senate. Well, then a policeman came out. Actually, one of my brothers said: The policemen are up there and asked the interpreter to leave because she could not be there. I went up to the gallery. I am about to get sworn into the Senate.

I went up to find out what was going on.

The officer said: We cannot let people up in the gallery stand up and do this interpreting.

I said: Why not?

He said: It is against the rules.

What rules?

Well, it is against the rules.

Well, I was furious. So I came down on the floor, and in 1985, you might remember the Senate majority leader was Senator Bob Dole. So I went right to Dole and I said: Senator Dole, here is my problem. I got my brother up there, and they won't let an interpreter interpret.

He said: Really? Well, I will take care of that.

And he took care of it. He took care of it. So we got an interpreter. Of course, now we have closed captioning and all kinds of things now for Senate activities. But, again, it is just that attitude people have. This was in 1985. That would not happen today. Of course, we have access for people who have mobility disabilities to come in, and we have made the Capitol accessible for people with all kinds of disabilities.

But I relate that story as a way of again thanking my brother, Frank, for setting my feet on this path so many years ago. For me, it has been a labor of love, not without its frustrations, not without saying—one day at the Supreme Court, with Bob Dole by my side, listening to the Supreme Court hand down one of these decisions, I said: What could they possibly be thinking? We went out and talked to the press after, Senator Dole and I did. So it has had its frustrations.

We are not to the promised land yet with 60 percent unemployment among people with disabilities. We have a long way to go. But this, the Americans with Disabilities Act, is the civil rights statute that says to people: You cannot discriminate. Just as we passed the civil rights bills that said: You cannot discriminate on the basis of race or sex or national origin or religion, now you cannot discriminate on the basis of disability either, plus you have to take some other steps; we have to have reasonable accommodations. So this is the civil rights statute that emancipates and frees people with disabilities so they can be fully contributing members of our society.

I close my remarks by thanking the President for her indulgence, the indulgence of other Senators for permitting me to speak for so long. As I said, this, for me, for all of my adult life, is a cause to which I have committed myself, much of my staff, much of our time and effort. I am grateful to the leadership of the Senate, both on the Republican and Democratic side, and again to my great friend and partner Senator HATCH for making it possible for us to bring up this bill today and get it passed unanimously. Unanimously. That is even better than what we did with the ADA. We only had six votes against it in 1990. This is unanimous. I think it sends a clear signal that whether you are Republican or Democratic, it does not make any difference—it does not make any difference, we are going to stand behind people with disabilities. We are going to make sure the ADA takes its rightful place once again as the umbrella civil rights statute for all Americans with disabilities.

I thank all of my colleagues. I look forward to the passage of this bill in the House. I look forward to the President hopefully signing it as early as next week.

AUGUST 21, 2008

EXHIBIT 1

Re: The ADA Amendments Act of 2008

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: The undersigned groups, representing a broad range of interests, write in support of the ADA Amendments Act of 2008 (S. 3406). This bill introduced on July 31, 2008, had 64 cosponsors as of August 1, with 55 of those joining as original cosponsors.

S. 3406, the ADA Amendments Act, would revise the ADA, in a manner designed to work for both people with disabilities and for entities governed under the law. The bill is a result of sustained efforts between Senators from both sides of the aisle and intensive and thoughtful talks between representatives of the disability community and entities governed by the law. For that reason, we believe that S. 3406 strikes a delicate balance between the needs of individuals with disabilities and the realities experienced by entities including employers and public accommodations, which are covered under the law.

We urge your support in making enactment of S. 3406, the ADA Amendments Act, a reality as soon as Congress returns to work in September. We stand ready to work with you towards that end.

Sincerely,

ABC Business Services, Illinois; Abilities in Motion, Pennsylvania; ADA Watch/National Coalition for Disability Rights; ADA Help, Inc., Florida; Air Force Association; Air Force Sergeants Association; Air Force Women Officers; Associated Alliance of Disability Advocates Center for Independent Living, North Carolina; Alpha-1 Association; Alpha-1 Foundation; ALS Association; Alzheimer's Association; American Association for Affirmative Action; American Association for Respiratory Care; American Academy of Nursing; American Association of Diabetes Educators; American Association of People with Disabilities (AAPD); American Association of University Women; American Autoimmune Related Diseases Association; American Bakers Association; American Cancer Society Cancer Action Network; American Civil Liberties Union (ACLU); American Composites Manufacturers Association; American Council of the Blind; American Diabetes Association; American Federation of Government Employees—Veterans Council.

American Federation of Labor—Congress of Industrial Unions (AFL–CIO); I American Federation of State, County & Municipal Employees (AFSCME); American Federation of Teachers (AFT); American Foundation for the Blind; American Foundry Society; American GI Forum; American Islamic Congress; American Jewish Committee; American Kidney Fund; American Liver Foundation; American Lung Association; American Medical Rehabilitation Providers Association; American Mental Health Counselors Association; American Physical Therapy Association; American Psychological Association; American Society of Employers; AMVETS; ANCOR; Anixter Center, Illinois; Anti-Defamation League; APEERS (Alternative Peer Edu/Enrichment Recovery Society), West Virginia; APSE: The Network on Employment; Arab Anti-Discrimination Committee; The Arc of Tucson, Arizona; The Arc of the United States.

The Arc of Utah; Arthritis Foundation; ARISE, New York; Asian American Justice Center; Associated Builders and Contractors, Inc.; Association of Jewish Family & Children's Agencies; Association of Programs for Rural Independent Living (APRIL); Association of University Centers on Disabilities (AUCD); Asthma and Allergy Foundation of America; Autism Society of America; The Autistic Self-Advocacy Network; AZ Bridge to Independent Living; Bazelon Center for Mental Health Law; BH Electronics, Inc.; Bimba Manufacturing; B'nai B'rith International; Brain Injury Association of America; Breast Cancer Network of Strength; Business and Institutional Furniture; Manufacturers Association; Capital Associated Industries, Inc.; Care4Dystonia, Inc.; Central Conference of American Rabbis; Center for Women Policy Studies; Children and Adults with AttentionDeficit/Hyperactivity Disorder; Christopher and Dana Reeve Foundation.

The Christian Church (Disciples of Christ) in the United States and Canada; CIGNA Corporation; Coastal Health District, Georgia; Coleman Global Telecommunications, LLC; Community Action Partnership; Community Health Charities of America; Community Resources for Independent Living, California; Control Technology, Inc.; COPD Foundation; Council of Parent Attorneys and Advocates; Council of State Administrators of Vocational Rehabilitation (CSAVR); Crohn's and Colitis Foundation of America; Disabled American Veterans; Disability Policy Consortium, Inc.; Disability Rights Wisconsin (WI P&A); DTE Energy Company; Easter Seals; Eastman Chemical; Ellwood Group Inc.; Enlisted Association of the National Guard of the United States; Epilepsy Foundation; Evangelical Lutheran Church in America; Freedom Resource Center for Independent Living, Minnesota; Freedom Resource Center for Independent Living, North Dakota; Friends Committee on National Legislation;

Friends of the National Institute of Dental, and Craniofacial Research.

Georgia Voice That Count; Granite State Independent Living; Guide Dog Foundation for the Blind, Inc.; Hearing Loss Association of America; Hearing Loss Association of America, Manhattan Chapter; Hearing Loss Association of America, Mid Hudson Chapter; Hearing Loss Association of America, North Shore Chapter of Long Island; Hearing Loss Association of America, Queens at Lexington; Hearing Loss Association of America, Western New York Chapter; Heat Transfer Equipment Company; Higher Education Consortium for Special Education; Hindu American Foundation; HR Policy Association; Human Rights Campaign; Huntington's Disease Society of America; Hydrocephalus Association; Idaho State Independent Living Council; Illinois Manufacturers' Association; International Association of Official Human Rights Agencies; International Franchise Association; International Paper Company; Iraq & Afghanistan Veterans of America; Islamic Society of North America; Japanese American Citizens League; Jewish Council for Public Affairs.

Jewish Reconstructionist Federation; J.T. Fennell Co.; Koller-Craft Plastic Products; Lakeside Equipment Corporation; The LAM Foundation; Lambda Legal; Lawyers' Committee for Civil Rights Under Law; Leadership Conference on Civil Rights (LCCR); Learning Disabilities Association of America (LDA); The Leukemia & Lymphoma Society; Life, Inc., Georgia; Liz Thurber Slipcovers; Lupus Foundation of America; The Management Association of Illinois; Manufacturer & Business Association (Erie, PA); March of Dimes; Mental Health America; Michigan Alliance of State Employees with Disabilities (Michigan ASED); Michigan Chapter of Paralyzed Veterans; Michigan Rehabilitation Association; Military Officers Association of America; Molded Fiber Glass Companies; Monadnock Paper Mills, Inc.; Motorola; Mullinix Packages, Inc.

Muslim Public Affairs Council; Myasthenia Gravis Foundation of America; NAACP Legal Defense & Educational Fund, Inc.; National Advocacy Center of the Sisters of the Good Shepard; National Alliance on Mental Illness (NAMI); National Alopecia Areata Foundation; National Association for the Advancement of Colored People (NAACP). National Association for Black Veterans; National Association for Employment of People who are Blind (NAEPB); National Association for Uniformed Services; National Association of Councils on Developmental Disabilities; National Association of County Behavioral Health and Developmental Disability Directors; National Association of Governors' Committees on People with Disabilities (NAGC); National Association of Human Rights Workers; National Association of Manufacturers; National Association of the Physically Handicapped (Manistee County Chapter); National Association of Social Workers; National Association of State Directors of Special Education; National Association of State Head Injury Administrators; National Association of the Deaf; National Center for Learning Disabilities (NCLD); National Congress of Black Women, Inc.; National Council for Community Behavioral Healthcare; National Council of Churches in the USA.

National Council of Jewish Women; National Council of La Raza (NCLR); National Council on Independent Living (NCIL); National Disability Rights Network (NDRN); National Down Syndrome Congress; National Down Syndrome Society; National Education Association (NEA); National Employment Lawyers Association; National Fair Housing Alliance; National Family Caregivers Association; National Federation of Filipino American Associations (NaFFAA); The National Foundation for Ectodermal Dysplasias; National Health Council; National Health Law Program; National Industries for the Blind (NIB); National Kidney Foundation; National Legal Aid and Defender Association; National Marfan Foundation; National Multiple Sclerosis Society; National MS Society, Hawaii Chapter; National Organization for Women; National Organization on Fetal Alcohol Syndrome (NOFAS); National Psoriasis Foundation; National Women's Law Center; Naval Reserve Association; NCEP Brain Injury Rehabilitation Program, Nevada.

NETWORK: A National Catholic Social Justice Lobby; Nevadans for Equal Access, Inc.; New Jersey Protection and Advocacy; NISH; Non-Commissioned Officers Association; Northeast Pennsylvania Manufacturers and Employers Association; Northwestern Mutual; Ohio Disability Action Coalition; Oregon Family Support Network; Organization of Chinese Americans; Osteogenesis Imperfecta Foundation; Our Children Left Behind; The Paget Foundation; Paralyzed Veterans of America; Parent Project Muscular Dystrophy; People Escaping Poverty Project, Minnesota; People First of Nevada; Portland General Electric; PPG Industries; Precision Metalforming Association; Presbyterian Church (USA), Washington Office; Prevent Blindness America; Reserve Enlisted Association; RESOLVE: The National Infertility Association.

RTC Paratransit Evaluation Services, Nevada; Roaring Spring Blank Book Co.; Ryder System, Inc.; SEIU—Service Employees International Union; Self-Advocacy Association of New York State, Inc.; Services for Independent Living, Missouri; Sikh American Legal Defense and Education Fund (SALDEF); Sjogren's Syndrome Foundation; Society for Human Resource Management; Southeast Kansas Independent Living Resource Center, Inc. (SKIL); Southern Champion Tray LP; Spina Bifida Association; State of Nevada TBI Advisory Council; Stuller, Inc.; The Taylor-Winfield Corporation; Teacher Education Division of the Council for Exceptional Children; Texas Association of the Deaf; Textile Rental Services Association of America; Ultra Tech Machinery Inc.; United Cerebral Palsy; United Cerebral Palsy of Central Ohio; United Church of Christ, Justice and Witness Ministries; United Food and Commercial Workers International Union; United Methodist Church, General Board of Church and Society.

Union for Reform Judaism; Unitarian Universalist Association of Congregations; United Jewish Communities; United Spinal Association; Uniweld Products Inc.; U.S. Chamber of Commerce; U.S. Conference of Catholic Bishops; U.S. Psychiatric Association; U.S. Psychiatric Rehabilitation Association; US TOO International; Vanamatic Company; Veterans of Foreign Wars of the United States; Veterans of Modern Warfare; Vietnam Veterans of America; West Suburban Access News Association; Wisconsin Manufacturers & Commerce; Women of Reform Judaism; The Workmen's Circle/Arbeter Ring; World Institute on Disability.

Mr. HATCH. Madam President, this is an important day in our ongoing effort to expand opportunities for individuals with disabilities to participate in the American dream.

Passage of the ADA Amendments Act establishes that the Americans with Disabilities Act will continue to help change lives. Nearly two decades ago, Senator HARKIN and I stood on this same Senate floor as partners in this cause. Of course, my good friend from Iowa, TOM HARKIN, has been a great leader in this area, and others as well.

In 1990, we worked together to produce a compromise that passed the Congress overwhelmingly. We stand here again today to do the same thing.

Why did we need to do this? The Americans with Disabilities Act defines a disability as an impairment that substantially limits a major life activity. It prohibits discrimination on the basis of a present, past, or perceived disability.

As the ADA was put into practice and used in actual cases, the courts had to construe and apply its meaning. In Sutton v. United Airlines, the Supreme Court said that impairments must be examined in their mitigated state to determine whether they constitute a disability.

In Toyota v. Williams, the Court said the definition of ''disability'' must be interpreted strictly to create a demanding standard for qualifying as disabled.

These decisions had the effect of narrowing the ADA's coverage and the protection it affords. Some explain these decisions by saying that the Court ignored what Congress intended in the Americans with Disabilities Act. Others explained them by saying the Court had to reconcile everything Congress said in the ADA.

Either way, when it comes to legislation, when Congress does not like something, Congress can change it, and that is what we are doing today.

The authority over Federal disability policy remains right here with the Congress, and it is our responsibility to establish, change, expand, redirect, or amend it whenever and however we see fit. That is what we are doing today with this bill.

The bill we pass today is the third and final round of a long process that started more than a year ago.

First came the introduction of the ADA Restoration Act, then passage of the House ADA Amendments Act—wonderful work done by our colleagues in the House—and now passage of the Senate ADA Amendments Act.

Stakeholders, including disability, business, and education groups contributed to this process. House and Senate

committees held hearings, and staff participated in what no doubt seemed at times as endless rounds of negotiation.

The result is a true compromise that establishes more generous coverage and protection under the ADA in a way that maximizes consensus and minimizes unintended consequences.

First, the bill removes what the Supreme Court said led it to narrowly construe the ADA in the first place. Congress stated in the ADA that there are 43 million Americans with disabilities. The Supreme Court treated this as a cap and answered the questions regarding mitigating measures and the standard for applying the disability definition to fit under that cap.

Removing that finding removes the cap and allows the Court to construe and apply the definition more generously.

Secondly, the bill lowers the threshold for determining when an impairment constitutes a disability without using new undefined terms.

Removing the finding that served to raise that threshold and using more appropriate findings and purpose language to explain its meaning made departing from the ADA's existing definitional language unnecessary.

Third, the bill directs that the definition of disability be construed in favor of broad coverage. This reflects what courts have held about civil rights statutes in general and what courts held about the ADA in particular before the Toyota decision; namely, that they should be broadly construed to effect their remedial purpose.

I was not comfortable with the open-ended rule of broad construction in the House bill. The rule in our bill parallels a similar provision in the Religious Land Use and Institutionalized Persons Act, a bill I introduced and the Senate unanimously passed in 2002.

Fourth, the bill does what the ADA did not by prohibiting consideration of mitigating measures. The committee reports on the ADA say mitigating measures should be ignored, but the ADA itself does not.

Courts consult committee reports to clarify ambiguous statutory language but cannot use those reports as a substitute for nonexistent statutory language. So we make it clear that with the exception of eyeglasses and contacts impairments are to be considered in their unmitigated state when determining whether they are disabilities.

Fifth, the bill makes the current prohibition of discrimination on the basis of being regarded as having a disability apply to the broader category of impairments. I have to say this is a significant step because individuals will no longer have to prove they have a disability or that their impairment limits them in any way.

The bill balances this by limiting the remedies available under this provision. This is a good example of how we work to balance the impact of the bill and to accommodate the interests of the parties affected by it.

Finally, we tried to minimize the impact this bill would have in the educational arena. While the issues that made this legislation necessary arose in the employment context, any change we make could impact educators. So we affirmed in this bill what the courts have already ruled, that institutions of higher education are not required to fundamentally alter educational standards when providing reasonable accommodations to students with disabilities.

This bill is supported by hundreds of groups on both the disability and business side and by dozens of veterans organizations.

We introduced this bill on July 31 with 55 original cosponsors, and as of today that number tops 70, more than the original ADA. More than two-thirds of the Democratic and Republican caucuses have cosponsored this legislation, and I believe everyone else is for it as well.

This is a great achievement that continues the tradition of the Rehabilitation Act of 1973 and the ADA in 1990 in removing barriers and increasing opportunities for our fellow citizens with disabilities.

The work was long and hard. Many pieces had to be put in the right place for this puzzle to become clear. But the picture that resulted is beautiful indeed.

Our commitment, our obligation, our promise did not end with the ADA, and it will not end with today's passage of the ADA Amendments Act.

I want to particularly thank my friend and colleague, Senator HARKIN, for his continuing leadership, as well as Chairman KENNEDY. He cannot be here today mainly because he is mending up there in Massachusetts. I just chatted with him again yesterday. But he deserves a lot of credit on this bill. Of course, also deserving great credit is the ranking member of the Health, Education, Labor, and Pensions Committee, Senator ENZI, for his support of this bill and for the facilitation of this development, and others as well. All the cosponsors deserve a great deal of credit on this bill.

I want to particularly thank staff members who labored long and hard, including Tom Jipping on my staff, Chris Campbell on my staff, and Michael Madsen on my staff, and Lee Perselay, Pam Smith, and Beth Stein on Senator HARKIN's staff. This bill would not have come along as well as it has without these wonderful staff people who worked so long and prodigiously to help make this work.

There were times when people thought that divergent interests and diverse viewpoints simply could not be reconciled, especially in this area. They thought the same thing back in 1990. Since we came together then to produce the ADA, I knew we would ultimately come together now to produce the ADA Amendments Act, and we did.

I know this will make a real difference in the lives of real people, and for that I am humbled and grateful.

When we argued the original Americans With Disabilities Act on this floor, I mentioned how I carried my brother-in-law, Raymon Hansen, in my arms through the Los Angeles temple of the Church of Jesus Christ of Latter-Day Saints. He weighed very little. He had to go home to an iron lung every night. This young man, who was an athlete in both high school and college, and a great athlete at that, got both types of polio, yet he finished his undergraduate degree in education and went on and got a master's degree in engineering. He worked at Edgerton, Germeshausen & Greer, one of the great engineering firms, and he worked every day, right up until the day he died.

I have to admit I have been in the presence of so many people who have disabilities, major disabilities, who suffer long and hard, but who have more courage, more ability, and more verve than a lot of us who are not suffering from disabilities.

I know Senator HARKIN mentioned his brother and others, and I am sure he will do that again today. I have a great deal of affection for Senator HARKIN, and I had it before this bill back in 1990, but I have certainly had it even more greatly since. He is a good man, and he has a great desire to do what is right in this area, and so do I.

There are millions and millions of people with disabilities who can be very good, functioning members of our society and who will benefit from this bill, and I personally express my gratitude to all of the cosponsors, but especially to Senator HARKIN, Senator KENNEDY, and Senator ENZI. These are great people who are trying to do great things here, and for a very bad election year, this is one of the greatest things we will have done in this whole year. For that, I am truly grateful.

I yield the floor.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KENNEDY. Madam President, I strongly support the Americans with Disabilities Act Amendments Act of 2008, and I commend Senator HARKIN and Senator HATCH for their leadership on this important measure to restore the vitality of the Americans with Disabilities Act. As chairman of the Senate Committee on Health, Education, Labor and Pensions, which has jurisdiction over this legislation, I know too well how urgently this legislation is needed to protect the civil rights of persons with disabilities.

America's strength and success as a nation have been fueled by its founding promise of equal justice for all. Yet for much of the Nation's history, persons with disabilities were treated as people who needed charity, not opportunity. Out of ignorance, the Nation accepted discrimination for decades, and yielded to fear and prejudice.

In the 35 years since passage of the Rehabilitation Act of 1973, which outlawed discrimination against persons

with disabilities in programs and activities receiving Federal funds, our Nation has made great progress toward making the promise of equal justice a reality for such persons. The Fair Housing Amendments Act of 1988 continued this progress by extending housing protections to persons with disabilities, but it was the Americans with Disabilities Act of 1990 which opened wide the doors of opportunity by providing long-overdue protections against job discrimination and greater access to public accommodations. The 1990 act was a giant step toward guaranteeing that persons with disabilities would be full participants in the American dream.

Unfortunately, however, in many job discrimination cases, the courts have interpreted the act so narrowly that many of us who were original sponsors of the act barely recognize it today. Courts have ruled that many of the very persons the act was designed to protect are not covered by its provisions. These decisions have improperly shifted the emphasis in ADA cases away from the central question of whether discrimination occurred.

The bill we are considering today reaffirms Congress's intent that the courts should interpret the ADA broadly to fulfill its important purpose. In deciding whether to grant relief under the act, courts should respect the act's goal of expanding opportunities for persons with disabilities.

In particular, courts have narrowed the first prong of the ADA's definition of disability, which defines a disability as a physical or mental impairment that ''substantially limits'' one or more life activities. As explained in the statement of managers, the bill seeks to remedy this problem by clearly rejecting the reasoning of cases like Toyota Motor Manufacturing, Kentucky, Inc. v. Williams in 2002, in which the Supreme Court held that this prong of the definition must be ''be interpreted strictly to create a demanding standard for qualifying as disabled,'' and that ''substantially limits'' means ''prevents or severely restricts.''

The bill also rejects the Supreme Court's earlier holding in Sutton v. United Air Lines, which also imposed too heavy a burden on plaintiffs seeking relief under the act.

Although the House of Representatives' consideration of the pending legislation was of significant assistance to the Senate on this issue, in one important respect the Senate diverged from the reasoning expressed in the reports of the committees of jurisdiction in the House. The House version of the bill defined ''substantially limits'' as ''materially restricts,'' and the House Committee reports explained this term with reference to a spectrum or range of severity. The term ''materially restricts'' in the House bill and these portions of the House reports set an inappropriately high standard for the determination of whether an individual is substantially limited in a major life activity and pose the risk of confusing the threshold determination of who is covered by the act. Fortunately, our Senate bill avoids this problem and provides the broader coverage needed to correct the excessively restrictive and unintended interpretation in the litigation.

In addition, the bill's findings and purposes section states that ''the question of whether an individual's impairment is a disability under the ADA should not demand extensive analysis.'' This statement makes clear that courts normally should not require an extensive examination of an individual's disability in cases under the ADA. In such cases the main focus should be on whether discrimination has occurred, not on the threshold issue of whether an individual's impairment qualifies as a disability. As the Senate Statement of Managers explains, courts should not interpret this statement to constrain plaintiffs from offering evidence needed to establish that their impairment is substantially limiting. Of course, this statement in the bill does not impose any limitation on what evidence the party with the burden of proof on the issue of disability may offer. Indeed, such a position would be inconsistent with clearly established evidentiary and procedural rules, and constitutional requirements as well. The party with the burden of proving disability is free to introduce all the evidence of disability that he or she believes is appropriate, consistent with evidentiary and procedural rules. As the Equal Employment Opportunity Commission has stated in a related context, the plaintiff's evidentiary burden is minimal.

Our goal in this bill is to greatly enhance the protections against discrimination for persons with disabilities, and I hope these clarifications will avoid further confusion in future litigation. I am proud to join with Senators HARKIN and HATCH and the other sponsors in support of the act, and I strongly urge the Senate to approve it.●

Mr. BARRASSO. Madam President, this act has opened the door to hundreds of thousands of individuals to actively participate and contribute to our great Nation. It has raised the conscience of our Nation regarding disabilities and the impact they have on their lives. The fair treatment of the citizens of the United States is paramount. Every citizen, regardless of the obstacles in their lives, should have the opportunity to work, live and fully participate in our society.

There are many individuals with disabilities who are exceptional physicians and professionals. It is clear that situations will arise in which an individual desiring to become a licensed physician has a legitimate disability and a reasonable accommodation can be made during standardized testing.

Licensing boards have the responsibility to accurately measure an applicant's skills and abilities to practice in a professional field. The purpose of standardized examinations is to create a set environment in which to carefully determine and ensure that applicants have the knowledge, skill, and ability to perform in the real world. Certain performance measurements can only be evaluated under set parameters. It is vital that standardized testing organizations not be required to fundamentally alter key performance measurements when providing reasonable accommodations to students with disabilities.

As a doctor, I understand the need to ensure that future physicians have the ability to safely and skillfully provide medical care. Patients should not have to worry about whether their treating physician is qualified.

Public health and safety is based on the ability of these physicians to work under pressure, respond quickly, and do so in a manner that protects the well-being of the patient. The real world requires a physician to concentrate and think clearly, often within a very small timeframe.

Licensed physicians throughout the country are required to take a standardized test to meet the requirements expected of the profession. Determining whether an accommodation is reasonable should be left to the licensing board. When a testing organization or a licensing board has made a decision in good faith about an appropriate accommodation, the decision should be given great deference. This is particularly true in light of the important role these examinations play in the licensing process and the safety of the general public.

It is important that the integrity of standardized tests for the licensing of professionals in the field of medicine is maintained. The legislation does not require accommodations which would alter key performance measurements. There is no record that this legislation would require standardized testing organizations, such as the State Boards of Medicine, to fundamentally alter their examinations with accommodations that will undermine the essential purpose of their exam.

Mr. DURBIN. Madam President, in passing the ADA Amendments Act of 2008 on this day—September 11—the Senate has managed to recapture, at least for a time, the sense of unity and purpose that sustained our nation on this day 7 years ago. This is not a Democratic or Republican victory. This is a major victory for all Americans.

The Americans with Disabilities Act is one of the major civil rights laws in our nation's history, but recent court decisions have narrowed its scope and mistakenly excluded many people who should be protected.

The Supreme Court has created a cruel catch-22: If you can manage your disability you might not be protected by the ADA. People end up with terrible choices. Should I take the medication I need to stay healthy and be denied the protections of the ADA? Or do

I stop taking my medication so that I can be protected from discrimination? That is not what Congress intended when it passed the ADA.

By passing the ADA Amendments Act, the Senate is undoing the damage caused by the Supreme Court and reaffirming the principle that America will not tolerate discrimination based on real or perceived disability, fears and stereotypes.

America has made real progress since President George H.W. Bush signed the ADA in 1990. Many of the physical changes the ADA has brought about—like curb cuts—benefit all Americans, not just those with disabilities. Because of the ADA and other disability rights laws millions of Americans with disabilities have gained access to public accommodations, quality educations, and equal housing opportunities.

But too many people remained locked out of the workplace. Employment rates for men and women with disabilities have actually declined steadily since the ADA became law. Today, more than 60 percent of working-age Americans with disabilities are unemployed, and Americans with disabilities who do work are almost three times more likely to live in poverty than workers without disabilities. That is wrong, and it must end.

The march of progress in America can be marked by the expansion of freedom. Slaves who were denied full citizenship under our Constitution were given their rights with amendments after our Civil War and civil rights legislation almost a century later. Women denied the right to vote in America for generations finally won that right a century ago.

It is time indeed, it is past time—to expand our concept of freedom and acknowledge the rights of another group of Americans who have suffered discrimination through history: people with disabilities. It is my hope and expectation that the House and Senate can work together to resolve minor differences between our two bills and send the President a bill that he can sign that will protect all Americans with disabilities.

Mr. DODD. Madam President, I rise to support wholeheartedly the ADA Amendments Act of 2008. Nearly 20 years ago Congress passed the groundbreaking Americans with Disabilities Act. Because of its enactment and implementation, our country has made progress in eliminating the historical stigma previously associated with disability and guaranteeing basic civil rights and liberties to people with disabilities. I was a proud supporter of the ADA then, and I am a strong supporter of the ADA Amendments Act of 2008 now. In the years since the ADA became law, the courts have inappropriately limited its scope, and many Americans with disabilities have been denied the rights the law was intended to give them. This legislation will serve to ensure that those rights are protected and that people with disabilities are fully protected. It is my hope that this legislation will also help America become more accepting of diversity.

I would like to take a moment to applaud Senator HARKIN for his leadership on the ADA. Without his leadership neither the ADA, nor this legislation, would have been possible. I also would like to praise my good friends Senator KENNEDY and Senator HATCH, whose commitment to the issue made the passage of this legislation possible.

For decades, we have fought for the civil rights of people with disabilities, combating the antiquated mindsets of segregation, discrimination, and ignorance. Our Nation has come from a time when the exclusion of people with disabilities was the norm. We have come from a time when doctors told parents that their children with disabilities were better left isolated in institutions. We have come from a time when individuals with disabilities were not considered contributing members of society. Those times have thankfully changed. The passage of the ADA in 1990 provided the first step toward that change our country so desperately needed.

Although we have come along way in the past 18 years, the Americans with Disabilities Act has not afforded the full protections that this antidiscrimination statute originally intended to provide. The law has been repeatedly misinterpreted by the courts that have used an extremely narrow definition of disability. This definition is so narrow that many defendants with clear disabilities cannot even get their case heard in a courtroom because they do not qualify as having a disability. People with disabilities excluded from protections under the ADA include those with amputations, muscular dystrophy, epilepsy, diabetes, multiple sclerosis, cancer, and intellectual disabilities.

Ultimately, a series of Supreme Court rulings established precedents that leave many of our fellow citizens with disabilities little or no protections under current law. These decisions created a platform for future courts to say that a person does not have a disability when they benefit from mitigating measures such as medications, therapies, or other corrective devices. Ironically, this means that people with disabilities who use measures such as assistive technology to help them lead more self-sufficient lives are ultimately not protected from discrimination related to their disability. The Supreme Court decisions further narrowed the definition of disability by imposing a strict and demanding standard to the definition of disability—barring Americans coping with intellectual disabilities from the law's protections.

Equal protection under the law in the United States of America is not a privilege, but rather, it is a fundamental right due every citizen of our Nation, regardless of race, gender, national origin, religion, sex, age, or disability. It is unacceptable to deny any individual his or her right to those protections because of a misconstrued definition of disability. Our country has an obligation to its citizens to ensure that their fundamental rights are protected, and, if those rights are violated, that the option of recourse is available.

This antidiscrimination legislation would move us forward as one Nation in the direction that was intended 18 years ago. If this bill is signed into law, it will provide much needed clarification on the definition of disability, covering those individuals that rightly need protections under this law. The bill rejects the findings of the Supreme Court cases and specifies that mitigating measures are not to be considered in disability determining and clarifies that the definition should be more broadly interpreted.

Fortunately, we are a changing society, and we have come a long way since those times of segregation and stigma. Recognizing that our society needs to take yet another step to improve the civil rights of our fellow citizens, I urge my colleagues to join with us and pass the ADA Amendments Act of 2008.

I sincerely hope my colleagues will join me in bettering our country by passing the ADA Amendments Act. As we are a just society, I will continue to fight for the rights of my fellow Americans with disabilities so that we all have an equal chance to achieve the American dream. I urge my fellow colleagues to support this essential piece of legislation on behalf of the American people.

Mr. HARKIN. 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. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX POLICY

Mr. GRASSLEY. Madam President, today I wish to continue my discussions about one of the big choices facing voters this fall. That choice is which of our colleagues, Senator MCCAIN or Senator OBAMA, should we follow in terms of future tax policy. I speak as ranking member and former chairman of the Committee on Finance that has jurisdiction over tax policy.

In recent weeks—when I say in recent weeks, I mean in July because we weren't in session in August—I have talked about the history of party control and the likelihood of broad-based tax increases. I will use the tax increase thermometer—and that thermometer is up here—to point out history. I have discussed the specific precedent of the 1992 campaign with its promise of middle-class tax cuts and

the 1998 world record tax increase that hit taxpayers above $20,000. I have referred to a case of tax hike amnesia, and I put up my famous Rip Van Winkle chart. I have discussed the impact of the McCain and the Obama plans, and in July I also talked about how the McCain and Obama plans would affect seniors and middle-income families. Today, I wish to focus on small business and the effect on small business of the tax policies of the respective Presidential candidates.

There has been a lot of controversy over the years about the effect of marginal tax rate increases on small business. It first arose back in 1993. At that time, President Clinton and the congressional majority Democrats pushed through legislation that retroactively raised the top marginal income tax rates. The rate was 31 percent. Under the 1993 bill, two new higher rates went into effect: the 36-percent rate and the 39.6-percent rate, and that is where it was until the 2001 tax bill.

One of the criticisms of those higher marginal tax rates passed back in 1993 was that these rates would harm small business. Did they harm small business? Well, I am here to say they did, but I have to back up what I am saying.

In the year 2001, Chairman BAUCUS—now the Democratic chairman of the committee I used to chair—Chairman BAUCUS and I crafted a bipartisan package of marginal rate reductions. The first part of 2001, I was chairman of that committee, and Chairman BAUCUS was the ranking member. So in 2001, we had this bipartisan package of marginal tax rate reductions. Part of that package brought the top rate from that 39.6 setup in 1993 down to 35 where it is now.

Another part of the package lowered the 36-percent rate to 33 percent. Although the nonpartisan Joint Committee on Taxation, in its distribution analysis, concluded that the legislation improved the progressivity of the Tax Code, the top marginal rate reductions were controversial.

Many of the liberal Members of this body and in the punditry decried the marginal rate reductions as a tax cut for the wealthy. Many of the press echoed those criticisms. They focused on the top rate reductions and defined the bipartisan, broad-based tax relief as ''the Bush tax cuts for the rich.'' These critics and Members who shared their view failed to examine the data on the whole bill, and if they had, they would have come to a different conclusion.

The fact that the Democratic Presidential candidate this year is embracing most of the policy from the bipartisan deal should give these liberal critics some pause. Senator OBAMA's campaign tax plan confirms what I said many times over the last 7 years. It confirms that the bill Chairman BAUCUS and I crafted in 2001 was a bipartisan plan that would stand the test of time.

Since the top rates of 35 percent and 33 percent were the source of considerable opposition back then in 2001, there was a lot of debate about their merits. Aside from the general economic benefits of the increased incentives for work and investment, Chairman BAUCUS and I focused on the benefits to small business. On Monday, August 20, 2001, Chairman BAUCUS and I released a statement on the Treasury Department's analysis of that 2001 tax bill, and I will quote from part of that press release that Senator BAUCUS and I put out:

Owners of sole proprietorships, partnerships, S corporations, and farms will receive 80 percent of the tax relief associated with reducing the top income tax rate of 36 percent to 33 percent and 39.6 percent down to 35 percent. Senators Baucus and Grassley said most of the job growth over the last decade has come from small business. Experts agree that lower taxes increase a business's cash flow which helps with liquidity constraints during an economic slowdown and could increase the demand for investment and labor.

That is the end of the quote of Senator BAUCUS's and my press release commentary on the 2001 tax bill impact on small business.

Madam President, I ask unanimous consent at this point to have printed in the RECORD a copy of that August 20, 2001, Baucus-Grassley press release.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, Aug. 20, 2001.

BAUCUS, GRASSLEY, NEW ANALYSIS SHOWS TAX CUTS HELP SMALL BUSINESSES

WASHINGTON.—Sen. Max Baucus, chairman of the Senate Finance Committee, and Sen. Chuck Grassley, ranking member, today said a new U.S. Treasury Department analysis shows that farms, small businesses and entrepreneurs will receive most of the tax relief from cutting the top marginal tax rates.

''I'm pleased this analysis shows the tax cut we passed will provide relief for farmers and ranchers and our agriculture community, as well as small businesses and entrepreneurs throughout our country,'' Baucus said. ''My State is an agriculture and small business State, and it's heartening to know that this tax cut will put money back in the economy and help create more jobs.''

Grassley said, ''One of the goals of our bipartisan tax cut was reducing the tax burden for small businesses. ''That's important because small businesses create most of the jobs in this country. The new analysis shows that we succeeded in our desire to re-kindle the fire fueling the small business engine.''

At the Senators' request, the Treasury Department's Office of Tax Analysis calculated that when the new tax relief law is fully phased in, entrepreneurs and small businesses—owners of sole proprietorships, partnerships, S corporations, and farms—will receive 80 percent of the tax relief associated with reducing the top income tax rates of 36 percent to 33 percent and 39.6 percent to 35 percent. Such business owners make up 62 percent (about 500,000) of the 800,000 tax returns that will benefit from the new 33 percent and 35 percent rates, according to the analysis.

Baucus and Grassley said most of the job growth over the past decade has come from small businesses, noting that 80 percent of the 11.1 million new jobs created between 1994 and 1998 were from businesses with fewer than 20 employees, and 80 percent of American businesses have fewer than 20 employees. Experts agree that lower taxes increase a business' cash flow, which helps with liquidity constraints during an economic slowdown and could increase the demand for investment and labor, the senators said.

An October 2000 report by the National Bureau of Economic Research, a well-regarded non-partisan organization, entitled ''Personal Income Taxes and the Growth of Small Firms,'' says plainly that when a sole proprietor's marginal tax rate goes up, the rate of growth of his or her business enterprise goes down, the senators said.

The bipartisan tax cut bill responded to the fact that individual income tax collections were near an all-time high, even higher than some levels imposed during World War II. Baucus and Grassley said individual rate cuts are important relief for small businesses because most small business owners and farmers operate their businesses as sole proprietorships, partnerships, Limited Liability, Corporations or S corporations. The income of these types of entities is reported directly on the individual tax returns of the owners. A rate reduction for individuals reduces rates for farms and small businesses.

Baucus and Grassley were instrumental in passing the bipartisan tax cut legislation.

TABLE T08–0164.—DISTRIBUTION OF TAX UNITS WITH BUSINESS INCOME BY STATUTORY MARGINAL TAX RATE ASSUMING EXTENSION AND INDEXATION OF THE 2007 AMT PATCH, 2009 [1]

Statutory marginal income tax rate	All tax units		Tax units with business income [2]			Percent of tax units with business income [3]			Business income as percent of AGI [3]
	Number (thousands)	Percent of total	Number (thousands)	Percent of total	Greater than 0	Greater than 10% of AGI	Greater than 25% of AGI	Greater than 50% of AGI	
Non-filers	20,758	13.8	999	2.9	4.8	3.7	3.3	3.0	7.5
0%	23,434	15.6	6,960	20.0	29.7	28.6	26.0	22.8	62.7
10%	22,375	14.9	4,740	13.6	21.2	16.2	12.6	8.9	12.1
15%	49,522	33.0	11,024	31.7	22.3	12.5	7.8	4.5	6.9
25%	25,506	17.0	6,662	19.2	26.1	12.0	7.1	4.2	6.7
26% (AMT)	2,434	1.6	1,160	3.3	47.6	21.0	12.9	7.8	11.4
28% (Regular)	3,137	2.1	1,175	3.4	37.4	20.6	15.4	10.4	13.0
28% (AMT)	2,164	1.4	1,353	3.9	62.5	38.2	29.6	20.5	21.5
33%	335	0.2	206	0.6	61.7	46.3	38.0	29.9	31.6
35%	577	0.4	457	1.3	79.2	57.6	50.3	40.7	38.8
All	150,241	100.0	34,736	100.0	23.1	15.2	11.4	8.4	14.7

Source: Urban-Brookings Tax Policy Center Microsimulation Model (version 0308–5).
[1] Calendar year. Assumes extension and indexation of the 2007 AMT patch. Tax units that are dependents of other tax units are excluded from the analysis.
[2] Includes all tax units reporting a gain or loss on one or more of Schedules C, E, or F.
[3] Business income is defined as the sum of the absolute values of the gains or losses reported on Schedules C, E, and F.

Mr. GRASSLEY. I wish also to thank my friend, Chairman BAUCUS, and those on the other side for sticking with me on these marginal rate reductions over the years. With a strong impulse to raise marginal rates in the Democratic caucus, I know these votes were not easy. I know that small business folks in the State of Montana and other Members who supported it are also very grateful because it has really helped small business, besides giving parity between proprietorships and corporations which have a 35-percent rate, and there is no reason to tax businesses that are sole proprietorships more than big fat corporations.

Today, now, 7 years later, we find ourselves in the same debate. The data and implication of it are still very important in debating the merits of the stated top rates of 35 percent and 33 percent. Senator MCCAIN's position is that we should not raise those rates, especially in a time of the economy slowing down. Senator OBAMA insists that we raise those top rates. This is a sharp tax policy difference between the two potential Presidents.

As ranking member on the tax-writing Finance Committee, it is my duty to clarify this important debate. Our constituents have a right to be informed in an intellectually honest manner on this very important question. So, Madam President, let's take a look at this small business issue.

The first question we need to consider is what is small business. The second question would be what role do these small businesses play in our overall national economy. After that, we need to get a handle on which small businesses are affected by the higher rates that Senator OBAMA has proposed. Finally, we need to get a sense of how the small businesses are affected on the short term and long term. I am going to deal with each one of these questions right now.

So the first question: What is a small business? It is not a precise answer. In one way, some on the other side have said small businesses that matter are only those with owners who earn less than $200,000 to $250,000. To those folks at the local hardware store, if one of the owners or the sole owner owns over $250,000, no matter how many folks it employs, it is the same as a Home Depot or a Lowe's. Those of us from the heartland know the definition of small business is not limited to those whose owners make $250,000 or under. For us, it depends on whether the business is locally based. It depends on whether the business finances its growth from its own earnings. Conversely, to folks from small towns such as myself, big business is generally the companies that finance themselves through the stock market.

The reason the distinction is important for public policy issues such as the level of taxation is that we value local or regionally based businesses. The folks who own those businesses are drawn from the community. They attend the local Rotary clubs. They support the local little leagues.

Small business, as I see it, is a stabilizing yet very dynamic social force and just not an economic being. So when we talk about small business, we should not use any artificially low levels of income. We should use a commonsense definition of small business. There is too much at stake to demagog the definition.

It seems a good place to go for a definition of small business would be the Small Business Administration, the SBA. For most Federal policies, as a rule of thumb, the SBA would tell you it would be a privately held business with 500 or fewer employees. When we are considering tax policy—specifically the tax rate applicable to business—we have two categories. The first one is regular corporations. Virtually all big businesses—that is, publicly traded companies—are taxed under the regular corporate rate schedule.

There are several Tax Code rules dealing with small business. In general, the Tax Code treats those businesses that go to the capital market differently from those businesses that are financed by their owners. There are special rules for depreciation and there are special pension rules. Most important, however, are the rules that allow small business to avoid the double taxation that applies to corporate earnings. Owners of certain kinds of small business corporations, known as S corporations, can elect to be taxed as proprietorships or partnerships. That is, these corporate shareholders include the business income on their personal income tax returns. In general, an S corporation can have no more than 100 shareholders. In the case of families or pension plan owners, the number of shareholders can, in fact, be larger.

So with respect to the first question, I think we are on pretty solid ground in identifying any small business as a privately held business with 500 or fewer employees and, of course, the vast majority of them probably only a handful of employees, and maybe all within the family. You won't find much controversy, I believe, over that definition because it is one that we use here a lot on a lot of tax policy when it comes to SBA-type legislation.

Let's go to the second question, which is what is the economic impact of small business. No one disputes the fact that small business creates most of the jobs in America. According to the Small Business Administration's Office of Advocacy, small businesses generated 60 to 80 percent of the net new jobs annually over the last decade. I think that is important to think of. Again, over the last decade, small business has generated 60 percent to 80 percent of the new jobs.

Where are tomorrow's jobs going to come from? The answer is the largest share of future jobs is going to come from small business employers. I recommend that my colleagues consult the Small Business Administration's Office of Advocacy's ''frequently asked questions,'' which is available on the Internet at www.sba.gov/advo.

We should not be surprised that small businesses create the lion's share of the new jobs. A lot of American economic might, a lot of know-how and dynamism, resides in small business. According to the latest Treasury data, flow-through small business accounts for 93 percent of all businesses, 36 percent of business receipts, 34 percent of the wages paid, and 50 percent of all business income. I have a chart here that shows the growth of these flow-through small businesses since the year 1980. You can see it. The solid line, the number of businesses—the large dashes are total receipts and the small dashes are net income less deficit.

While I have focused on the flow-through, keep in mind that many of the other small businesses would be affected by the top marginal rates. Let's focus on the small business data. We have another chart here. The non-flow-through small businesses are what we call C corporations. These entities are taxed like conventional corporations but are not big publicly traded businesses. So the owners are paid through salary and dividends. These small businesses account, as you can see, for about 10 percent of the total receipts.

In terms of business receipts, then, the combination of flow-through and regular corporations accounts for about 46 percent, or almost half, of the Nation's private sector income. These regular small business entities account for 13 percent of the wages paid, and when combined with flow-throughs, the small business sector accounts for 47 percent of wages paid. That is almost half of the wages paid in the private sector jobs. In terms of net income, these regular small business entities account for 2 percent of the net business income. But when combined with the flow-throughs, the small business sector accounts for 52 percent of net business income. So that is over half of the net business income in our Nation. In other words, small businesses are a very vital, important, and productive part of our economy.

We may use the adjective ''small'' to describe this part of the business sector of our Nation, but the economic impact of these businesses, then, as you follow this chart, is not small. Like the answer to the definition of small business, I don't think many on the other side would quarrel with the notion that small business is a key part of our economy.

We have answered the first two questions, the definition of small business

and its economic impact. Now, we need to ask that very vital third question that is being dealt with or being affected in this campaign for the Presidency. How are small businesses taxed? How should they be taxed? And what is the impact of that tax?

First off, small business owners pay the tax. The individual tax rate, at the owner's level, is the rate paid by small business. These businesses are described as flow-throughs because the business income and the tax burden flows through to the business owner. I have a chart here that shows how the small business owner is taxed. It may look a little complicated, but it is not as complicated as it looks. It shows the business entity. It could be a partnership or an S corporation or a proprietorship. The business gets its cash from four sources. The first is sales. The second is debt. As a practical matter, a business may be able to access credit only if its owners are willing to guarantee the debt. The third source is the owner's investment. The fourth is retained aftertax profit. That aftertax profit is a very important part of the economic viability of small business. I emphasize ''aftertax.'' These are sources of cash for the business.

The business uses its cash to pay workers. It uses this cash to pay other expenses, such as utilities, rent, and supplies. A business either makes a profit or a business suffers a loss. If it makes a profit, the profit is taxed at the owner's level; it flows through to the owner. At that point, the Federal Government takes or gets its share. The aftertax profit then, of course, is available to the owners. That aftertax profit, I will say once again, is a very important factor. That is where tax policy in this Presidential debate is very important.

Currently, the top two Federal tax rates are, since 2001, 33 percent and 35 percent. Senator MCCAIN wants to keep the rates right there. Senator OBAMA wants to raise statutory rates to 36 percent and 39.6 percent, where they were set between 1993, under President Clinton, until 2001. In addition, Senator OBAMA also wants to restore kind of a hidden marginal rate increase; that was referred to until recently in part of the Tax Code, known as PEP and Pease. With these additional add-ons of a hidden marginal tax rate, their real marginal tax rates actually go up above 39.6, to 40 percent and 41 percent respectively.

Senator OBAMA has also proposed to raise the Social Security tax on the same group of small business owners by 2 percent to 4 percent. Recently, however, Senator OBAMA modified his tax plan to defer the Social Security tax increase. If we set aside this future Social Security tax increase, the taxes owed by small business owners would rise by as much as 21 percent and 17 percent respectively. I have a chart that shows the difference between the current top rates, which Senator MCCAIN would keep, and the increase in the rates proposed by Senator OBAMA. So the blue line is Senator OBAMA, and the red line is Senator MCCAIN.

For that same group of taxpayers, Senator OBAMA proposes, in addition, to tax dividend income at 20 percent instead of 15 percent. That is a 33-percent increase.

So for these regular non-flow-through small business owners, the amount of tax owed on their business income would rise at a range of somewhere between 17 percent to 33 percent.

As with the answers to the questions of definition and economic impact of small business, I don't think folks on the other side would dispute what I have said about how small businesses are taxed.

Now we come to the fourth question. That question is: What is the relationship between the top marginal tax rates and small business activity? Put another way, how much small business activity will be affected by the increased rates Senator OBAMA proposes? Unlike the first three questions, the answers to this question have been very controversial.

Over the years, folks who are hostile to marginal rate reduction have pointed to one statistic. They have referred to the percentage of small business tax filers who fall in the top two rates. For instance, they cite a statistic from the Tax Policy Center that concludes that only 1.9 percent of the filers with business income pay the top two marginal rates.

According to the Tax Policy Center analysis, that percentage is roughly three times the percentage of tax filers in the general population. They will state that the proportion of small business owners in the top two brackets is roughly similar to that of the general taxpaying population. The opponents of marginal rate relief will use this data to conclude the small business owners' tax profile is similar to the nonbusiness taxpayer profile. Since the tax profile is similar, the general redistribution argument applies. The bottom line is that opponents will argue that raising marginal tax rates on small business owners makes the tax system more progressive.

For the opponents of marginal rate relief, that is where the discussion ends. It comes down to the view of tax fairness from their perspective. Although the statistics show small business owners are three times more likely to be in the top two brackets, that matters not one whit to the opponents. The rates must go up and the revenue must be spent on expanding Government. For an example of this perspective, I recommend that my colleagues consult the article ''Big Misconceptions About Small Businesses and Taxes'' from the Center on Budget Policy and Priorities, dated August 29, 2008, available on the Internet at www.cbpp.org.

The political point of the opponents boils down pretty simply. This small group of filers is very well off. So other than them, who cares if the rates go up? That is good politics. When you are talking about 1 percent or 2 percent of the population versus the rest, your theory is redistribution. You are going to be making an easier political case. That is where they leave it.

There is a huge assumption that makes this argument so very dangerous and has economic impacts in the end. The assumption is that since the number of filers is limited to roughly 2 percent, the business activity is likewise limited.

The assumption is extremely dangerous economic policy. Why? I will give two reasons. One, the 2 percent understates the number of small businesses affected. Second, the assumption assumes any negative effect of removing resources from small business. You don't have a lot of room, as the chart shows, to play with small business. They don't go to Wall Street and sell their stuff. They have to accumulate their own capital.

Let's go to that first dangerous assumption that I just proposed of understating the number of small businesses affected by that 2-percent figure. Distribution tables are like any other estimate. Inside this beltway, distribution tables are a fetish. Many on the left side of the political spectrum worship at the altar of distribution statistics. They treat it as the only measure—the only measure—of whether a tax policy proposal is good tax policy or bad tax policy. Economic consequences, what do they matter? But distribution tables are an analytical tool meant to inform a tax policy debate. Distribution tables are a snapshot. Like any other snapshot, the analysis is limited.

Let's take a look at the oft-cited Tax Policy Center distribution tables. The table references a total of roughly 35 million business tax units. That is a proxy for tax returns and households. About 30 percent of that total, roughly 8 million tax units, represent folks who pay no income tax for that year. The footnote to the table states that all business income is defined as the sum of ''gains or losses reported on Schedules C, E, and F.'' Those are where the flow-through income is reported on the owner's tax return.

When you look at small business gains and losses, it is quite revealing. Small businesses are at the cutting edge of our capital system. With capitalism comes the viability of the business cycle. Small businesses are more susceptible to the good and bad years that come with business cycles. One year a small business may do very well; the next year might be a year of loss.

As evidence of this volatility, I would like to refer to the SBA data on small business survival rates. You will find this on the frequently asked questions document I referred to, and you have a citation. According to SBA, two-thirds of small businesses survive at least 2 years; 44 percent of small businesses survive at least 4 years. What this means is that over time many small businesses rise and some fall.

By the way, mobility within income tax brackets is something that occurs to a great degree in the United States because of the dynamics of our society and our economy. So think about it. How many people in their midtwenties stay in the same bracket all the way through retirement? The mobility of income of small business is a subset of the overall income mobility in the U.S. population.

Treasury data clarifies the TPC snapshot, the Tax Policy Center snapshot. I have another chart. This chart shows that when gain and loss is considered, the snapshot changes very dramatically. So pay attention to this chart as I go through it.

For all flow-through taxpayers, 8 percent fall in the top two brackets. For taxpayers with active, positive flow-through income, the percentage is roughly the same, about 7 percent. For taxpayers with flow-through income that is greater than half their wage income, the percentage is the highest, at 9 percent.

So keep in mind we are dealing with a moving target when we talk about the 2-percent figure. Some businesses will produce losses for their owners one year and income in another year. So the business owners caught in the snapshot may not be the same business owners in another snapshot.

The second assumption about the 2-percent filer argument is even more dangerous. That assumption is, since a small percentage of tax filers are affected, the impact on small business activity is somehow trivial.

How will the higher marginal rates remove resources from small business you might ask? It is a simple answer. Let's go back to the chart that shows how small business works. If the amount paid in taxes increases somewhere, as I have said, between 17 percent to 33 percent, the tax take of the business rises as well. It comes out here. Let's go through an example.

I am going to use another chart. This taxpayer filer jointly owns a small business and earns $500,000 of business income. For purposes of this example, we will assume all of that taxpayer's income comes from the small business. As an aside, this assumption favors the opponents of marginal rate relief. Why? Because most small business owners have income from other members of the household and income from other sources. In that more likely scenario, the marginal rate hikes would bite even harder because more business income is pushed into the higher brackets.

Under this example, the small business owner pays $146,700 under current law. Senator MCCAIN's plan leaves this level of taxation in effect. Under Senator OBAMA's proposal, the small business owner's taxes would go up by $20,000. That is a tax increase on this small business owner of roughly 13 percent.

The tax increase would present the small business owner with a $20,000 current problem. The small business owner's current problem is how does he or she alter his or her business to make up the $20,000 he or she has lost to Senator OBAMA's higher tax rates? Can he or she grow enough sales to pay the extra tax? Maybe, but maybe not. Can he or she replace a $20,000 machine? Maybe maybe not. Can he or she cut back on the payroll? Maybe but maybe not.

How about the future? Any good business person has to project how their business is working. Any investment's value is predicated on how much income the investment is likely to produce in the future. If income is projected to go down, then the value of the investment declines.

Higher taxes negatively affect the net income from an investment. Small business owners have choice about where to put their capital. If taxes press down on the projected net income, then the value of the small business investment declines. Everything else being equal, a small business owner is less likely to leave the after-tax profit in the business. Likewise, the small business owner is less likely to make future investment in the business.

My point is, the tax increase Senator OBAMA is proposing has a very real cost to small business owners. And my entire remarks have been directed toward the tax policies on small business because they are the engine of employment and economic growth.

What are the businesses Senator OBAMA is proposing to hit with this tax increase; that is, which businesses are owned by taxpayers making over $250,000? How many employees do they have?

I have another chart. It is based on data from the National Federation of Independent Businesses, and we refer to that as the NFIB. It is a national small business organization. The NFIB has 350,000 dues-paying members. They take surveys of their members and other small business folks. I have the latest survey that deals with the finance questions from the year 2007. This chart contains the results of question No. 12. The question identifies, as we can see from the chart, groups of small business owners by household income with the size of their firm by the number of employees. Household income includes income from other adult members of the household. If you take a look at the responses, you can compare firm size with income level of the owners.

Here we have $250,000 and above. Those are the folks who are targeted for the tax increase, and that would raise the amount owed to the Government between 17 percent under one scenario and 33 percent under another. The survey indicates that 6.4 percent of the business owners of firms with one to nine employees—so small business—one to nine employees would be hit by Senator OBAMA's tax increase.

Now move a step over and you are going to find that about 21 percent of the owners of firms with 10 to 19 employees would be hit by the tax increase. That is the 20.6-percent figure you see. Move one step to the right and we find 40 percent of the owners of firms with 20 to 249 employees would be hit by the tax increase; 20 to 249 employees, 40 percent hit. Forty percent of the owners of the small business firms then would have increases of 17 percent to 33 percent.

There seems to be armies of hard-working tax analysts in this town who work for think tanks of the liberal variety. If you look at the analyses of the tax data, the armies of the left clearly are far more numerous than the armies of the right and the middle. And I give them credit for their hard work and dedication. I am sure they are poring over all this data.

Since the redistribution dogma is what floats their boats, they will probably take a hostile attitude toward the data I have just cited. Anticipating the attacks of green-eye-shaded armies of the left, I think we can trust the survey statistics.

NFIB has been conducting these surveys for years. I cannot think of any reason why respondents to the NFIB survey would inflate or deflate their income statistics. So I think this 40-percent snapshot is a very solid figure.

The data above relates to taxpayers of $250,000 and above. Since Senator OBAMA's advisers have said his current proposal would raise taxes on single taxpayers above $200,000 on a rough basis, it is fair to look at those small business owners as well. If you do that calculation, then on a combined basis, Senator OBAMA's proposed tax increase would hit even more small business owners.

So let's go back to NFIB question No. 12. For small businesses that employ one to nine workers, 12 percent would be hit by Senator OBAMA's higher taxes. For small businesses with 10 to 19 workers about 27 percent would be hit by the higher taxes. For small business owners with 20 to 249 workers, 50 percent—half of the small businesses—would be hit by Senator OBAMA's tax plan.

I want to get to the scariest part. As the chart shows, the percentage of small business owners hit by Senator OBAMA's higher taxes goes up as the number of employees goes up. So it is fair to say these figures probably understate the impact of the higher marginal tax rates on the remaining small businesses, meaning those between 250 and 500 employees. Moreover, like the distribution tables, the survey obviously is a snapshot. With small businesses alternately running gains and losses over time, then the higher rates will hit a larger number of small business owners.

With the conservative nature of this data in mind, let's take another look at the economic profile of the small business owner Senator OBAMA has targeted for a tax increase. Every year, the SBA prepares a report to the President on small business economy.

The last report we have was submitted to President Bush in December of last year. It covers data for the previous year—2006. For 2006, the entire private sector workforce growth occurred in small businesses with 500 or fewer employees. For 2006, over half of America's private sector employees worked in these firms—over half. For 2006, these small businesses accounted for over half of the Nation's private sector gross domestic product.

Drill down deeper into the data, and you will be worried even more. Two-thirds of that small business payroll came from firms that employ between 20 and 500 workers. If we go back to the NFIB question, we will find that the owners of these small businesses are the ones most targeted by Senator OBAMA's tax increase proposal.

Finally, Mr. President, I don't want you to take my word for it. Listen to what small business folks have said about the importance of lower marginal tax rates. Take a look at the chart I am now putting up. The chart is a copy of a letter dated March 14, 2003, from three principal small business grassroots organizations: the National Federation of Independent Businesses, the Small Business Legislative Council, and the Small Business Survival Committee. I would like to read the second paragraph of that letter. It may be too small for you to see on the screen, but it sums up the reality of the effects of the marginal tax rates on small business.

Approximately 85 percent of small businesses file their tax returns as individuals. An increase in tax refunds means small firms will have more resources and more capital to put back into growing their businesses. A series of studies by four top economists examined the effect of the tax rate cuts on sole proprietors. Their results indicate that a 5 percent point cut in rates would increase capital investment by 10 percent. And they found that dropping the top tax rate from 39.6 to 33.2 percent would increase hiring by 12.1 percent.

That kind of tells you what a business force small business can be and how tax increases are negative or tax decreases are positive for small businesses to hire and to grow. What these small business groups said was that their tax policy priorities included a reduction in top marginal rates. You see it there in the letter from small business advocates.

Now, let's think about this. As the small business folks say in their letter, there is a link between tax relief, economic growth, and jobs. We have seen the evidence of that linkage in the year past. Tax relief kicked in, the economy started growing, and jobs started coming back. Why would we want to go in reverse gear?

Senator MCCAIN and Senator OBAMA agree on the policy objectives of growing jobs. Why would you aim a 17-percent or 33-percent marginal tax rate increase at the businesses that grew all the jobs in the most recently studied year? Senator MCCAIN's plan recognizes this job-loss risk. Senator OBAMA's plan goes in the opposite direction.

Let me conclude with a challenge to the proponents of raising marginal rates on small business. When I say critics, I am referring to political leaders, pundits, and even some in the media. I think the data I presented speaks for itself. If you disagree with the analysis but hold the position that higher marginal tax rates won't affect small businesses, would you agree to exclude small businesses from the 17- to 33-percent marginal rate increases that are being offered? I await your answer.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The assistant legislative 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.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009—Continued

Mr. LEVIN. Mr. President, I think Senator WARNER is just about to enter the Chamber. I would ask the indulgence of my friend from Vermont for one more moment.

Even though there is not too much evidence, the fact is, we have made some significant progress today in some significant areas on the Defense authorization bill. Now that Senator WARNER is here, I always welcome his good wisdom. This is where we are now, as I was saying. We made some significant progress on the bill, even though it has not been that obvious and apparent.

Today we have been able to make some important progress. We will be here tomorrow. Senator WARNER and I will be here tomorrow. We urge Senators to come over to see if we can debate their amendments, to discuss their amendments. We are going to work with them to get these amendments offered tomorrow so they would be in line when voting time comes.

We will be here, that is true, even though there are no votes tomorrow, we understand. We will be here tomorrow. The Senate is in session. Senator WARNER and I will be here. It is very important that Senators who have amendments they intend to offer come here, work with us to try to get them in line for a vote, to see if we can get them offered tomorrow. That will take unanimous consent, but we will make an effort.

But we need Senators to come Monday afternoon. We will be here Monday afternoon. We will be here Tuesday. There are no votes Monday, but we will be here for the purpose of debating and discussing amendments, trying to again have them offered.

So it is also, I am authorized to say, that there will be no further votes today. Cloture will be filed tomorrow. I thank Senators who are working with us. We have lots of amendments we can clear if we can get unanimous consent to clear a managers' package. The managers' package, we are ready to go with that at any time. We are going to continue to add amendments to that package. We will be working with Senators during these next few days so we can, hopefully, get this bill passed and voted on on Tuesday.

That is the situation we are currently in.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Virginia.

Mr. WARNER. Mr. President, the chairman has quite accurately stated the work that has been done thus far, our willingness as the two managers to continue working with Senators. We will both be present tomorrow as well as Monday. It is hoped that other Senators can be in a position to come forward with their amendments.

I might inquire, can the Presiding Officer advise us on the number of amendments on file? An approximation is satisfactory.

The PRESIDING OFFICER. There are over 220 amendments.

Mr. WARNER. I thank the Presiding Officer.

That presents clear evidence to colleagues of the magnitude of the task before us. I guess we have said this many times, but this would be the 43rd consecutive authorization bill for the men and women of the Armed Forces passed by the Senate. It is my hope that we can add No. 43.

I commend the chairman for his efforts. I have worked with him through this day. I believe we have had some helpful discussions with staff and colleagues on the means by which to make progress. We are here. It is imperative that this bill pass.

I remind colleagues of the military construction section of our bill which is so vital for the current and future needs of the U.S. military. This bill is the sole bill that can carry that important piece of annual legislation through and get it into a conference.

Mr. DEMINT. Will the Senator yield?

Mr. WARNER. Of course.

Mr. DEMINT. I appreciate having the opportunity to discuss our amendments. I ask unanimous consent that the pending amendment be set aside and that I be permitted to call up amendment No. 5405.

Mr. LEVIN. Mr. President, I will object. We are more than willing to discuss this amendment tomorrow. We realize this is one of the amendments that will have to be addressed if we are going to get to this bill. So it is not as though we are expecting to complete action on this bill without addressing the amendment of the Senator. However, this is not something I can agree to at this time but would be happy to tomorrow or Monday.

Mr. WARNER. Will the chairman yield for a question?

Mr. LEVIN. I am happy to.

Mr. WARNER. Would it not be to the benefit of the two of us as managers, as we have had a great deal of discussion together today on it, to hear from our colleague so we have clearly in mind his goals?

Mr. LEVIN. The reason I am reluctant to agree to that is because the Senator from Vermont was dissuaded from addressing the Senate until we had a few minutes to talk about plans for the future. I held up the Senator from Vermont for, now, 10 minutes when he was here and had a right to debate.

Mr. WARNER. Is there any way we could accommodate both Senators?

Mr. DEMINT. Mr. President, I don't think I am able to tonight. But for clarification, this amendment is two words and a number: Strike section 1002. I hope we haven't come to the point in the Senate when a Senator would not be allowed one amendment on such an important bill that is to strike a section. I can talk more about it later. I know we are being encouraged to bring up our amendments. This amendment has been filed for a few days. I think at least the staff is well aware of what it is. I will certainly not hold up the other Senator. I appreciate the chairman's commitment to giving me an opportunity for a vote on this amendment before it is all over.

I yield the floor and thank the ranking member.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if the Senator from South Carolina will be here tomorrow or on Monday? We may be able to discuss his amendment. It may be three words, but they are mighty important words and have a huge impact, way beyond any description of a three-word amendment. Nonetheless, in order to let the Senator from Vermont proceed, I am wondering whether it would be possible for the Senator to be here tomorrow or Monday so we could discuss his amendment? I would be happy to discuss it.

Mr. DEMINT. I will not be here tomorrow. Since we had understood that Monday was a no-vote day, I made other plans. But I can assure my colleague I can deputize my staff to work out any agreement that would be workable for the chairman and Senator WARNER. It is not our intent to hold up this bill. There is a managers' package that we will not agree to until we have a commitment for this one vote. I want to expedite this, as Senator WARNER does, and the chairman. But if the Senator would like to work with us, I am sure we can work this out tomorrow or Monday without my being present.

Mr. WARNER. The Senator has the floor, so if I could ask him to yield for a question?

Mr. DEMINT. Yes.

Mr. WARNER. This is of such vital importance to the bill. While it is just a few words, it does have very significant ramifications. It deals with the relationship of the legislative body; that is, the Congress, the executive branch, and the fulfillment of our constitutional responsibilities versus the ability of the executive branch to exercise certain powers.

In the Armed Services Committee, this matter was brought up. I put forward an amendment in committee not unlike what the Senator from South Carolina has pending before the Senate. It was not accepted. It was a 12-to-12 vote; therefore, a tie. It did not carry.

I understand the goals the Senator is seeking. But I point out, if we could have a few minutes so colleagues have some idea of the significance of this and they can reflect on it. If the Senator is not going to be here tomorrow—he has heavy commitments, as do others—nor Monday, it would be only Tuesday morning before we could really begin to get other Members of the Senate more fully acquainted with the complexity of this issue.

Mr. DEMINT. If I may offer one clarification, this is not the same amendment that was offered in committee.

Mr. WARNER. I understand that.

Mr. DEMINT. What my amendment does is restore basically the format of the Defense authorization bill to the same format it has always had. The way it is set up now, the language that references the report language and makes it, in effect, law is an unprecedented way to deal with report language. What we would do with this amendment is make it like every other Defense authorization bill that has ever been passed.

Mr. WARNER. Mr. President, that is correct. But in the intervening period, there has been the issue of Executive order. Therefore, we cannot, as a legislative body, be unmindful of what the executive branch has enunciated through Executive order. That Executive order will carry forward after this administration concludes and be a part of the next administration. That clearly states that the President is not going to observe the means by which the Congress, specifically the Armed Services Committee in the many years' pattern of doing much of its work, both in the report language as well as bill language.

Mr. DEMINT. If the intent is to get around the Executive order, then obviously that is a matter for debate. It also gets around the many statements made on this floor about the transparency of earmarks and to disclose what we are doing.

Again, this is a very simple amendment. All I am asking for is an up-or-down vote. I am not asking for passage.

Mr. LEVIN. Mr. President, let me just quickly say again, if the Senator from Virginia is also willing, could we let the Senator from Vermont proceed? We could come back. I am happy to debate this amendment tonight, if is the only time we can debate it. It has ramifications way beyond what the Senator from South Carolina says. We made a commitment to the Senator from Vermont that he would be recognized next to speak. I was waiting for Senator WARNER to come over. The Senator from Vermont was generous enough to hold off. I thought this would only be a few minutes laying out the path ahead. It is much more than that. I could come back and will be here tonight, if the Senator from South Carolina will stay here. I would be happy to give the position which is so terrifically different, very different.

Mr. DEMINT. I thank the chairman. We will not abuse the time. I have the floor, and I would like to yield for one question to Mr. COBURN. Then I will yield the floor.

Mr. COBURN. Let me say how much I appreciate the hard work done on this bill. It is a hard bill. It is important. My question would be to both the chairman and ranking member: How are we to be afforded an opportunity to amend earmarks if none of them are in the bill, yet they carry the force of law as if being in the bill?

Mr. LEVIN. That can be done by amendment, like any other amendment. But what this amendment does is to say that not just the earmark, the entire budget, including the President's budget, which is currently in that committee report, which is incorporated by reference, that that no longer carries the force of law. So the DeMint amendment goes exactly in the opposite direction of what Senator MCCAIN and others were trying to do, which was to incorporate into law all of the earmarks and the President's budget. We want them in law. We want them to be in law. We got a letter, however, from Senate legal counsel saying it cannot be done technologically.

I am not able to argue with him. I would be perfectly happy, and I hope they can be made part of law. But the DeMint amendment goes in the opposite direction. Instead of making them part of law, it wipes out their legal status by saying they will only be part of a committee report which is not incorporated by reference, and, because of the Executive order, the agencies of the Government are directed to ignore the committee report. Previously, the executive departments would comply with committee reports. That is no longer true under the Executive order.

So what this amounts to, the DeMint amendment, is an abdication of the power of the purse totally, not just over earmarks but over the President's own budget which has been adopted by the Congress. This is the opposite of what Senator MCCAIN and others have urged, which is that earmarks and other appropriations be incorporated into law. This goes the other direction and says they have no force of law whatsoever.

We have to debate the DeMint amendment. I am more than willing to debate the DeMint amendment. I would come back tonight to do it. But I don't think, in fairness to the Senator from

Vermont, that we should not allow him to proceed for his 10 or 15 minutes, whatever he wanted. I would be happy to come back.

Mr. COBURN. If I might through the Chair ask another question?

The PRESIDING OFFICER. The time is held by the Senator from South Carolina.

Mr. COBURN. And he yielded to me.

The PRESIDING OFFICER. Senator COBURN is now recognized.

Mr. COBURN. I say to Senator SANDERS, I will finish this very quickly.

My concern is, I have talked to the MCCAIN folks. They are very unhappy with this provision. The reason they are unhappy is there is no way the Parliamentarian will allow me to amend report language on the floor because it is not part of the bill we are discussing. I would be happy to work in the background with both the chairman and ranking member to move all of this to the bill so it is not a question.

That is what I would ask that you, please, try to accommodate us on because having the debate and amending things—and I will raise that out of the $5.9 billion worth of earmarks in this bill, the vast majority are noncompetitive bid. In other words, there is no competition for value for the American taxpayers' dollar. They are direct mandates that certain money will be spent with certain companies with no estimation, no competitive bidding.

So I will not delay this any longer. I would ask that the chairman and ranking member—I think the Senators have done a great job on the bill. I do not think it is significantly different in terms of earmarks than what it has been in the past. But if, in fact, we could figure out a way to make them where we could have them at least discussed and have an opportunity to amend them, I would appreciate that deference.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. COBURN. Mr. President, I will be happy to yield.

Mr. WARNER. Can the Senator visit with the two of us off the floor such that our colleague can proceed?

Mr. COBURN. Absolutely.

Mr. WARNER. Mr. President, I ask unanimous consent that the Presidential document to which I referred, dated February 1, 2008, be printed in the RECORD as a part of the colloquy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Federal Register, Feb. 1, 2008]

PRESIDENTIAL DOCUMENTS

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 13457 OF JANUARY 29, 2008: PROTECTING AMERICAN TAXPAYERS FROM GOVERNMENT SPENDING ON WASTEFUL EARMARKS

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy*. It is the policy of the Federal Government to be judicious in the expenditure of taxpayer dollars. To ensure the proper use of taxpayer funds that are appropriated for Government programs and purposes, it is necessary that the number and cost of earmarks be reduced, that their origin and purposes be transparent, and that they be included in the text of the bills voted upon by the Congress and presented to the President. For appropriations laws and other legislation enacted after the date of this order, executive agencies should not commit, obligate, or expend funds on the basis of earmarks included in any non-statutory source, including requests in reports of committees of the Congress or other congressional documents, or communications from or on behalf of Members of Congress, or any other non-statutory source, except when required by law or when an agency has itself determined a project, program, activity, grant, or other transaction to have merit under statutory criteria or other merit-based decision-making.

Sec. 2. *Duties of Agency Heads*. (a) With respect to all appropriations laws and other legislation enacted after the date of this order, the head of each agency shall take all necessary steps to ensure that:

(i) agency decisions to commit, obligate, or expend funds for any earmark are based on the text of laws, and in particular, are not based on language in any report of a committee of Congress, joint explanatory statement of a committee of conference of the Congress, statement of managers concerning a bill in the Congress, or any other non-statutory statement or indication of views of the Congress, or a House, committee, Member, officer, or staff thereof;

(ii) agency decisions to commit, obligate, or expend funds for any earmark are based on authorized, transparent, statutory criteria and merit-based decision making, in the manner set forth in section II of OMB Memorandum M–07–10, dated February 15, 2007, to the extent consistent with applicable law; and

(iii) no oral or written communications concerning earmarks shall supersede statutory criteria, competitive awards, or merit-based decisionmaking.

(b) An agency shall not consider the views of a House, committee, Member, officer, or staff of the Congress with respect to commitments, obligations, or expenditures to carry out any earmark unless such views are in writing, to facilitate consideration in accordance with section 2(a)(ii) above. All written communications from the Congress, or a House, committee, Member, officer, or staff thereof, recommending that funds be committed, obligated, or expended on any earmark shall be made publicly available on the Internet by the receiving agency, not later than 30 days after receipt of such communication, unless otherwise specifically directed by the head of the agency, without delegation, after consultation with the Director of the Office of Management and Budget, to preserve appropriate confidentiality between the executive and legislative branches.

(c) Heads of agencies shall otherwise implement within their respective agencies the policy set forth in section 1 of this order, consistent with such instructions as the Director of the Office of Management and Budget may prescribe.

(d) The head of each agency shall upon request provide to the Director of the Office of Management and Budget information about earmarks and compliance with this order.

Sec. 3. *Definitions*. For purposes of this order:

(a) The term ''agency'' means an executive agency as defined in section 105 of title 5, United States Code, and the United States Postal Service and the Postal Regulatory Commission, but shall exclude the Government Accountability Office; and

(b) the term ''earmark'' means funds provided by the Congress for projects, programs, or grants where the purported congressional direction (whether in statutory text, report language, or other communication) circumvents otherwise applicable merit-based or competitive allocation processes, or specifies the location or recipient, or otherwise curtails the ability of the executive branch to manage its statutory and constitutional responsibilities pertaining to the funds allocation process.

Sec. 4. *General Provisions*. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an agency or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This order shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 29, 2008*.

Mr. COBURN. Mr. President, I appreciate the indulgence of the Senator from Vermont, and I yield back.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that also as a part of this colloquy be printed in the RECORD the letter from the U.S. Senate Office of the Legislative Counsel explaining why it is technologically impossible for him to incorporate at this time, with current software, all the items into the law. That is the problem; otherwise, I would be totally agreeable to having every single one of these items—the President's items and the add-ons by Congress—made part of the law. That is not a problem for me. However, technologically it cannot be done at this time. We ought to try to make sure it can be done promptly. I ask unanimous consent that the June 4, 2008, letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

OFFICE OF THE LEGISLATIVE COUNSEL,

Washington, DC, June 4, 2008.

Hon. CARL LEVIN,

Chairman, Committee on Armed Services, Washington, DC.

DEAR SENATOR LEVIN: I am writing in response to your letter of May 22, 2008, inquiring as to whether the Office of the Legislative Counsel has the ability to incorporate the funding tables currently included in the committee report of the defense authorization bill directly into the text of the bill. In short, the Office at this time has neither the technical capability nor the resources to convert the funding tables into the necessary electronic format for direct inclusion in the text of the defense authorization bill.

The Office of the Legislative Counsel uses highly specialized and customized software to prepare legislation. This software was developed by the staff of the Secretary of the Senate, in cooperation with the staff of this

Office and the Government Printing Office. The use of this software serves 2 major purposes: First, it allows the Senate Enrolling Clerk and the Government Printing Office to print legislation directly from our electronic files, eliminating the need to retype and proofread each file; and secondly, it allows the Secretary of the Senate, the Library of Congress, and the Government Printing Office to post legislation on the Internet in an easily searchable format.

The current version of the software contains a table tool that allows us to include tables in legislation if the tables fit into one of the templates provided in the table tool. I met this past week with the staffs of the Secretary of the Senate and the Government Printing Office and they have concluded that the table tool does not have templates that can be used to prepare all of the funding tables contained in the committee report. In fact, the Government Printing Office currently scans the funding tables as camera copy in order to print the committee report and does not convert the tables into the electronic format that would be necessary to include the tables in legislation. As a result, this Office is unable to prepare or print legislation which includes those tables.

In addition, even if templates are developed for the table tool, we will not be able to prepare the tables for inclusion in legislation unless the data in the tables can be electronically imported directly into the legislation we prepare. The committee report for the next fiscal year contains at least 180 pages of tables. Since the Office is currently unable to directly import the data in the tables, it would require our staff to spend hundreds of hours to input the data from these tables, proofread the tables for accuracy, and then make any necessary edits. We do not have sufficient staff to do this while continuing to meet our other responsibilities.

In my opinion, this is really more of an information technology issue than a legislative drafting issue. If the Senate decides to require the text of the funding tables to be included in legislation, the Government Printing Office would need to develop the necessary templates for the table tool and the Committee staff or others preparing the tables would have to conform to uniform standards for electronic formatting of the tables to ensure that the data could be imported directly into legislation,

Please let me know if I can provide you with any additional information or if you have any further questions regarding this matter.

Sincerely,

JAMES W. FRANSEN,
Legislative Counsel.

Mr. LEVIN. Now, Mr. President, I ask the Senator from Vermont the following question: whether the Senator would be willing to proceed in morning business.

Mr. SANDERS. Yes.

Mr. LEVIN. I thank the Senator.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized.

ECONOMIC POLICY

Mr. SANDERS. Mr. President, a little while ago Senator GRASSLEY of Iowa was down on the floor critiquing Senator OBAMA's tax plan in some detail. Right now, I am not prepared to refute what Senator GRASSLEY said, although I strongly disagree with his conclusions. But I did wish to talk a little bit about some of the differences I perceive between Senator MCCAIN and the proposals he is bringing forth in terms of what Senator OBAMA has been talking about.

I, also, most importantly, wish to make the point—and I think Senator MCCAIN would be upfront in admitting—that if he is elected President, what we are going to be seeing is 4 more years of the policies we have seen in this country for the last 8 years, which have been a disaster for the middle class and working families of this country. I wish to spend a few moments on that.

Since President Bush has been in office, nearly 6 million middle-class Americans have slipped out of the middle class and are now in poverty. I can tell you that all over this country—in my State of Vermont but all over this country—people who used to believe they were securely in the middle class, people who looked to the future with optimism, are now lining up in front of emergency food shelves because the wages they are earning are simply not enough to sustain their families. We are seeing a run on emergency food shelves all over America from working families.

I can tell you that in Vermont and throughout the northern tier of this country, people are frightened to death about the coming winter because in many instances they simply do not have the money to pay the fuel bills which will keep their homes warm this winter.

Since George W. Bush has been in office, median household income has declined by over $2,100 for working-age Americans. That is a huge drop.

Since President Bush has been in office, over 4 million Americans have lost their pensions. People who have worked their entire lives at a company with the expectation that when they retired there would be a defined pension plan available to them—that has not happened in 4 million instances.

Since George W. Bush has been President, 7 million Americans have lost their health insurance and the cost of health care has soared and more and more people are underinsured.

Since President Bush has been in office, more than 3 million manufacturing jobs have been lost, as corporate America has thrown people out on the street, moved to China, moved to Vietnam, moved to any country where they can pay people a few pennies an hour.

Since George W. Bush has been in office, nearly half a million jobs have been lost over the last 6 months alone, and the unemployment rate today is over 6 percent.

I ask you: Do we need to continue these economic policies which have been such a disaster for the middle class and working families in our country? Do we need 4 more years of these disastrous economic policies?

Since George W. Bush has been President, total consumer debt has more than doubled. Everybody knows that. Everybody we know almost is in debt. We have a personal savings rate in this country today which is zero.

Since President Bush has been in office, home foreclosures are the highest on record. There are huge numbers of foreclosures all over this country. In 2007, the typical American family paid over $1,700 more on their mortgage payments.

Is that a record, is that a series of policies that this country wants to continue for another 4 years? I think not—not for ordinary people. If you are a millionaire or a billionaire, I could understand that but certainly not for the average American family.

Since George W. Bush has been President, Americans are now paying $2,100 more for gasoline, $200 more for food, $1,500 more on childcare expenses, $1,000 more for a college education, $350 more for health insurance, $600 more for afterschool costs, and so forth.

The bottom line is, the Bush economic policies have been a disaster for the middle class and for working families and the only people who have benefited from these policies are the people on the top. I do not believe we need a President in Mr. MCCAIN who is going to emulate these economic policies to the detriment of tens of millions of working families.

When Bill Clinton was in office—and I have to tell you, as an Independent, I had strong disagreements with President Clinton on a number of issues, including his trade policies, but when President Clinton was in office, 22.7 million new jobs were created over that 8-year period. That is a strong record of job creation. Since President Bush has been in office, we have created fewer than 6 million new jobs. Mr. President, 22.7 million, fewer than 6 million, that is a real difference.

Under President Clinton, 6 million Americans were lifted out of poverty. That is pretty good. Under President George W. Bush, over the same period of time, 6 million Americans have slipped out of the middle class and into poverty. Under President Clinton, 6 million people rise above poverty; under President Bush, 6 million more Americans slip into poverty.

Are those the economic policies we want to continue for another 4 years? We have a national debt right now which is an incredible disgrace. It is a debt we are leaving to our kids and our grandchildren. I always find it ironic that our Republican friends pose as the party of fiscal responsibility. Yes, they are staying up nights worrying about earmarks, worrying about everything.

Under President George W. Bush, the national debt has increased by $3 trillion. We are closing in on $10 trillion. Under President Clinton, we had recordbreaking surpluses as far as the eye could see.

I think there is a real difference between the economic policies we have seen under President Bush over the last 8 years and the economic policies we saw under President Clinton the previous 8 years. The difference is that under President Clinton, the middle class grew and expanded, poverty went down. Under President Bush, the middle class shrunk, poverty went up.

But I have to be honest. Under President Bush, there have been people who have done very well. While 90 percent of the American people have seen their incomes go down in the last 8 years, we do have to acknowledge that the people on top are not only doing well, they are doing fantastically well. As an economic stratum among the top 1 percent, those folks are doing better than at any time since the 1920s. In fact, the wealthiest 15,000 American families received a 57-percent increase in income under President Bush.

We now have—and we do not talk about it too much—the absurd situation that the top one-tenth of 1 percent earn more income than the bottom 50 percent. Now, I know a lot of folks get up here and they talk about family values and they talk about morality. Let me go on record as saying I believe it is immoral that the top one-tenth of 1 percent earn more income than the bottom 50 percent.

While the middle class shrinks and poverty increases, the average income of the top 400—top 400—American tax filers—and that represents 3 out of every 1 million taxpayers of this country—has more than doubled under President George W. Bush, going from a mere $104 million in 2002—how do you get by on a mere $104 million? They were scraping by. But the good news is, by 2005, that $104 million went up to $214 million a year.

Adding insult to injury, the effective tax rate of the richest 400 people, whose incomes are exploding, has nearly dropped in half, from 30 percent in 1995 to only 18 percent in 2005, because of the Bush tax cuts for the rich.

It is not just income; it is wealth, also. The wealth—that is the accumulated income of the richest 400 Americans—has also soared under President Bush, going from a mere—now, we are talking about 400 families. Mr. President, 400 families had an aggregate wealth of $290 billion. When President Bush came in, their wealth was $290 billion, and it went to $1.5 trillion by the year 2006—$1.5 trillion for 400 Americans, and in our country today, we have the highest rate of childhood poverty of any country on Earth. We have 46 million Americans without any health insurance.

I raise these issues to talk about what is going on in our society today economically, to point out that the policies of President George W. Bush have very clearly worked if you are a millionaire or a billionaire. They have been a disaster for you if you are in the middle class or a working person. I commend Senator MCCAIN for being pretty honest and straightforward in saying he wants to continue those policies: more tax breaks for millionaires and billionaires, more tax breaks for the largest corporations in our country, more efforts to privatize Social Security, more efforts to cut back on programs desperately needed by working families and low-income people.

So the thrust of what I wished to say this evening—and I was compelled to come down here because I heard Senator GRASSLEY speaking before; and Senator GRASSLEY, as I indicated earlier, was very critical of Senator OBAMA's tax policies, and I disagree with Senator GRASSLEY's conclusion. But I think if one is going to talk about Senator OBAMA's tax policies, it is important to talk about Senator MCCAIN's overall economic policies which are going to be 4 more years of Bush's policies. This country—at least the middle class of this country, in my view—cannot survive 4 more years of those policies. So that is about all I wanted to say this evening.

I thank you, and I yield the floor. 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. DURBIN. 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. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, earlier this evening, my colleague and friend from Iowa, Senator GRASSLEY, came to the floor and spoke about the tax proposals of both BARACK OBAMA, the Democratic candidate for President, and JOHN MCCAIN, the Republican candidate for President. I am happy he brought that debate to the floor. It is an important one. I think it will be an important part of the decision process for most Americans on November 4. But I, to no one's surprise, see it quite differently from my friend from Iowa.

As I see it, we have a clear choice in this election. We know what has happened over the last 8 years. Under President George W. Bush, we have followed the classic neoconservative Republican approach to the economy and taxes. That approach started long ago and continued by President George W. Bush, who believes that we can, in fact, generate more economic growth and prosperity in America by lowering the taxes on the wealthiest people in our country. That is chapter and verse, that is the Bible, the economic Bible according to President Bush and his loyal followers. They have implemented that plan, creating tax breaks which have been historic and unusual; historic in that they have now driven tax rates to the point where the wealthiest people have seen tax breaks that are creating the largest deficits in the history of the United States of America. Last week, there were reports in Washington of a national deficit this year of $407 billion—the largest ever.

Remember: When George W. Bush took office from the Clinton administration, he inherited a budget surplus. It was the first surplus in 30 years. It was a responsible budget process that actually paid off debt. It gave longer life to Social Security. It meant less of a burden on our children. But when President Bush took office, he changed all that. He took that surplus and squandered it. He will now leave office with the lowest approval rating in the history of the Presidency and with the biggest deficit in the history of the Presidency. He managed that because he did something no President has ever done in history. He called for cutting taxes in the midst of a war. No President has ever done it because it makes no sense. A war is an added expense to a nation such as ours. We have our ordinary expenses for highways, prisons, medical research, education, and health care, and along comes a war costing $10 billion a month, and President George W. Bush said: Don't worry. We won't pay for the war. We will add it to the deficit and, in fact, we will cut taxes. It made no sense. Because of this desperate and poor economic and tax planning, we find ourselves with the biggest deficit in the history of the United States of America.

I say that because JOHN MCCAIN, the Senator from Arizona and Republican candidate for President, has endorsed President Bush's economic and tax policies. He has said that if he is elected President, he will continue the Bush economic policies which have driven our economy into the ditch.

We know what is going on. Last weekend, the Secretary of the Treasury, Henry Paulson, called me in Illinois and said: Well, I want to let you know it has reached the point where the taxpayers have to take over Fannie Mae and Freddie Mac. Those are two government-sponsored agencies responsible for half of the mortgages in America and they were about to go bust. So Secretary Paulson moved in and said we have to take them over. I don't quarrel with his conclusion. The alternatives were bleak. If those two agencies failed, we could see our economy fall deep into a recession and a global recession following it. I really believe that. He did what he had to do. But we had to do it because the Bush economic policies have failed so miserably.

Sadly, they have taken the view that Government should not be responsible for oversight of the major elements of our economy. They have failed to keep their eye on the middle class of America, which is the strength of our economy. They have given tax breaks to the wealthiest people, and JOHN MCCAIN promises more of the same. Let me correct that. JOHN MCCAIN promises to do even more than Bush did. In fact, his proposals for tax cuts for corporations would literally mean multibillion

dollar tax cuts—additional tax cuts—for the oil companies in America. Can you think of a more deserving taxpayer than ExxonMobil? Is there any case you can think of more compelling when it comes to compassion than to give a tax break to ExxonMobil? Those poor people reporting record-breaking historic profits need a tax break.

Have you heard any suggestion from my colleagues on the Republican side or John McCain to give tax breaks to those who are struggling in America? We know who they are: middle-income taxpayers. They are the ones paying for gas and groceries. They are the ones who are worried about college education expenses. They are the ones worried about health care expenses. They are the ones who are being shunned and ignored by the McCain-Bush approach to taxes.

Senator GRASSLEY comes to the floor and says: Oh, this BARACK OBAMA, his tax plans are going to hurt small business. Well, I can stand here and tell my colleagues he is wrong—and I believe he is—but I may not be as credible as a nonpartisan group such as the Annenberg Public Policy Center. They took an analysis of the McCain tax policy, which is Bush tax policies all over again, and they took a look at Senator OBAMA's proposal, and this is what they say:

> Senator McCain has repeatedly claimed that Obama would raise taxes for 23 million small business owners.

That is from the Annenberg Policy Center. Their response:

> It's a false and preposterously inflated figure.

They say:

> We find that the overwhelming majority of those small business owners would see no increase because they earn too little to be affected. Obama's tax proposal would raise the rates only on couples making more than $250,000 or singles earning more than $200,000.

They go on to say:

> McCain argues that Obama's proposed increase is a job killer. He has a point. It's true that increasing taxes on those at the top would leave them less money for other purposes, including investment and hiring in the case of business owners. But the number of business owners who would see their rates go up would only be a small fraction of what McCain says. Many would see their taxes go down.

That false claim about a new burden on small businesses was repeated on the floor today by my friend and colleague from Iowa. It won't work.

At the same time they are calling for tax cuts for the wealthiest people and the most profitable corporations in America, JOHN MCCAIN, inspired by George W. Bush, is not providing the kind of tax relief which Senator OBAMA is talking about for those in middle-income categories across America.

That is the real difference. At a time when Americans are struggling with soaring costs, JOHN MCCAIN will provide more tax breaks to corporations that ship American jobs overseas, and JOHN MCCAIN would provide no direct tax relief at all for more than 100 million middle-class families. Those are the focus of the Obama tax relief plan—those families.

JOHN MCCAIN doesn't have a plan to insure every American, and under his plan you would pay taxes on health care for the first time ever. JOHN MCCAIN wants to change the way we get health insurance in America. It gets back to the President Bush ownership society, and do we remember the motto of the Bush ownership society? ''Just remember, we are all in this alone.'' Well, Senator MCCAIN, inspired by this concept, believes we ought to get away from group insurance through our employment and be given a little check and let's all go out in the market and do our best. Well, you know what that means. If you happen to have a family with a sick child or you happen to have a history of illness in your family, watch out. What you are going to have to pay is dramatically more. You are no longer in a pool with the risks shared; you are on your own. So JOHN MCCAIN would say if your employer then is going to provide you with health insurance, we are going to tax it. We are going to tax that as income. That is a first, and that isn't going to help. It certainly isn't going to extend health care coverage to more families—something we desperately need.

Now, what BARACK OBAMA would do as President is simplify and reform our Tax Code, and it is long overdue. In George Bush's billion-dollar giveaways to big corporations and the wealthiest in our society, the Obama plan will reform our Tax Code so that it is simple, fair, and advances opportunity, not the agenda of some lobbyist or oil company. He will shut down the loopholes in tax havens and he will use the money to help pay for middle-class tax cuts that will provide $1,000 in tax relief to 95 percent of workers and their families across America. The Obama plan will make oil companies such as Exxon pay a tax on their windfall profits and he will use the money to help families pay for skyrocketing energy costs and other bills.

He would eliminate income taxes for retirees making less than $50,000 a year because he believes that every senior deserves to live out their life in dignity and respect.

It just amazes me that JOHN MCCAIN could promise to bring us 4 more years of these awful Bush economic and tax policies, when we know what they have resulted in. Yet he is a loyal soldier. No maverick, no, sir; he is a loyalist. When it comes to the Bush economic and tax policies, JOHN MCCAIN is no maverick. He is an acolyte of the high priest of Republican tax policy, President George W. Bush. He promises more of the same—4 more years. Can America stand it? Can we take it? I don't think so.

Middle-income families and working families deserve a Tax Code that cares for them and gives them a fighting chance, not a Tax Code designed to help the wealthiest. The Halls of Congress out here are filled with lobbyists, pretty well dressed, pretty well heeled, and living a nice life. Their job is to protect that Tax Code George W. Bush wrote. JOHN MCCAIN is their best friend. He promises that when he becomes President, the George W. Bush Tax Code is going to be even more generous to the wealthiest businesses and individuals. That is completely wrong.

The strength of this country is when middle-income families have a fighting chance to succeed. Do you know what they feel. They feel, as I do, that this country has been moving in the wrong direction for too long. We need a real change and in a lot of different areas but certainly when it comes to America's Tax Code.

For my friend from Iowa to come here and give us tales of doom and gloom about what might happen if we had real change in Washington, I say to him, what do you think of the current mess? Do you agree with JOHN MCCAIN that the fundamentals of this economy are so strong today? If you believe that, then you have not spent much time talking to real Americans.

During this last break in August, I went back and toured my State from top to bottom. It is a big, wonderful State. I spent some time in small towns and sat down for a get-together after work in El Paso, IL. El Paso is a little town just north of Bloomington; it is the birthplace of Bishop Fulton J. Sheen. There is a tavern we went to after work and had a beer, and we talked to some families about what they are up against. I wish JOHN MCCAIN could hear those stories. I wish my colleagues could. I wish they could understand what this economy has done to these good, hard-working people. These are folks who are scared to death that the Mitsubishi plant in Bloomington is going to ship out more jobs. They don't want any more trade agreements that ship jobs overseas. They are scared to death that we are going to have a Tax Code like the one we have today, which rewards companies for sending jobs overseas, a provision in that code that JOHN MCCAIN agrees with and Senator OBAMA disagrees with. These people are concerned about their kids' college education. One fellow said: My son just finished 2 years at a private college in Peoria, and he decided to come back home. He is going to try his luck at the community college to get on track. He said that he has $60,000 in student loans. He is a sophomore, he hasn't even reached the point where he has a degree, but he has what amounts to a mortgage debt in student loans.

Those are the realities of life out there in real America. When I hear JOHN MCCAIN say he wants to continue these economic policies and tax policies of George W. Bush, I wonder, when is the last time he sat down with some of these families? He owes it to himself, if he wants to be a good candidate for President, to sit down with some of these struggling families.

I think we need a new approach. We need change in this town. What Senator OBAMA is proposing is a change in the Tax Code to give that family and others a fighting chance. That is all we can offer them. There is no guaranteed success, but we can offer them just an opportunity, a fighting chance at success. It is a chance most of our families have capitalized on and did a pretty good job for their kids. We owe that to the next generation as well.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

DOMESTIC VIOLENCE AWARENESS MONTH

Mrs. BOXER. Mr. President, today I take this opportunity to recognize October as Domestic Violence Awareness Month, DVAM, and to recognize the fine work of STAND! Against Domestic Violence.

I am proud to be an original cosponsor of the bill to designate October as ''National Domestic Violence Awareness Month.'' I strongly support the motivation behind DVAM and I have worked to end domestic violence as long as I have been a Member of Congress. I authored the Violence Against Women Act, VAWA, while in the House of Representatives, and helped get it passed and signed into law after being elected to the Senate. VAWA toughened laws against perpetrators and continues to provide funding for campus safety, battered women's shelters, and training programs for law enforcement to identify and better understand cases of domestic violence. I am also proud to have introduced the Domestic Violence Identification and Referral Act to provide funding to schools for health professionals who work to prevent domestic violence.

Domestic violence can strike anyone, regardless of race, age, sexual orientation, religion, socioeconomic status or education level. Particularly tragic is the impact domestic violence has on children—physically, emotionally, and mentally. This violence witnessed in the home is often acted out in schools and communities. This negative cycle of violence has far-reaching impacts and I believe we must work together to prevent such violence from occurring in the first place.

I commend the tireless efforts of those who work everyday to end this violence. For over 30 years, STAND! has provided domestic violence services to families and individuals throughout Contra Costa County. Through their work, STAND! strives to end domestic violence by raising awareness through education so that individuals will become advocates, and by providing support services to those survivors of domestic violence.

As we prepare to enter Domestic Violence Awareness Month, I ask my colleagues to join me and STAND! in remembering the victims of domestic violence. I am inspired by those women who have survived domestic violence. And I mourn those who have not survived. In their memory, I will fight against domestic violence and work to empower women as long as I am in the U.S. Senate.

SEA OTTER AWARENESS WEEK 2008

Mrs. BOXER. Mr. President, I take this opportunity to recognize Sea Otter Awareness Week 2008.

Established in 2003 by the national nonprofit organization Defenders of Wildlife, Sea Otter Awareness Week is an annual event that aims to teach the public about the vital role that sea otters play in our marine ecosystem. Acknowledged each year by numerous nonprofit organizations, educational institutions, and local, State, and Federal elected officials, Sea Otter Awareness Week helps to protect this sentinel species and its habitat.

Historically, sea otters once numbered in the hundreds of thousands and thrived along the 6,000 miles of Pacific coastline from northern Japan, through the Aleutian Islands of Alaska, down the coast of California, and into Baja California in Mexico. Sadly, because of their thick fur, sea otters were hunted to the point of near extinction throughout the 19th and 20th centuries. Thanks to an international ban on hunting, conservation efforts, and reintroduction programs, the sea otter population is on its way to recovery, though it has been a slow process.

The health and well-being of our sea otter population is indicative of the overall health and well-being of the Pacific Coast marine ecosystems as a whole. We must do all we can to protect our coastal ecosystem and foster the survival of sentinel species such as the sea otter. To ensure a healthy coast and ocean, I am proud to have reintroduced my National Oceans Protection Act, which provides a comprehensive approach to ocean management and protection, ensuring that Americans can enjoy the beauty and majesty of our oceans for generations to come.

I commend Defenders of Wildlife and all those involved in Sea Otter Awareness Week for their dedication to raising awareness about the tremendously important role that sea otters have in our coastal ecosystem. I am inspired by their work and I applaud them for their perseverance in protecting the health of our oceans and marine life. Their commitment means a brighter future for us all.

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:

I am writing this letter out of somewhat desperation with the costs of energy lately. We live about 35 miles south of Lewiston on property that my grandfather purchased in the early 1940s. I have been disabled and am on Social Security Disability after working over 25 years in the utility and communication industry. My wife has been working in the health care insurance business for over 20 years and drives back and forth every day to work. We were budgeting and spending about $200–$250 per month for gas. In the last two months, it has increased to $425 per month! I know a little about all the oil reserves in Montana, North Dakota as well as other places even offshore and the untapped areas in Alaska for drilling and several capped oil/propane wells that have already been drilled. I am familiar about the open pit mining in Centralia, Washington; Montana and Wyoming. I was working when they moth-balled the nuclear plants at WASOP. I use these areas as examples in the Northwest because this is where I live and I am more familiar with them. We have taken several conservation measures to cut our energy costs at our home, but you can only do so much! I hardly ever even leave the house anymore because I cannot afford to drive my (small) Ford Ranger F150 pickup, just only to doctor appointments.

What can you do to start helping other Americans like us here in Idaho and the Northwest? Congress should put our families first, ahead of the environmentalists! These people are driving up costs at an alarming rate! I believe in treating our resources properly and our environment respectfully, but come on, use our heads! These environmentalists are making it impossible to survive anymore. We need to decide if American people are going to survive or is it going to be a small snail, a kind of fish or a spotted owl, which, by the way ruined the lumber industry in the Northwest. After research, they found out it was a bigger owl killing the smaller ones! How much money did that cost the people and industry brought on by environmentalists? It is survival time, folks . . . let us start using our heads. We need to start using our own resources now, not later, and stop depending on other countries because you see where that has positioned us. Open up the reserves, uncap oil wells, less restrictions on open pit coal mines, put more nuclear plants on line. Stop using wheat and corn for bio-fuels because it is killing us at

the grocery stores, better yet, stop wasting money on bio-fuels because it is not cost effective. There are more actions that need to be taken, but the ''most important'' thing is that we need Congress to start acting Now to help us survive before it is too late. Please!

Sincerely and with respect,

BARNEY and PATTI, *Winchester*.

I guess I have to admit that you are probably representing the views of the majority of the people in Idaho. Sadly, that is a very short-sighted viewpoint.

My story is that I am trying to walk more and ride my bicycle when I can. Generally, I am trying to be more energy conscious. The bottom line is that we Americans are missing the point. For three reasons, we have to change our way of thinking. The first is for our own health. Frankly, we do not get enough exercise because we have become so dependent upon the automobile. Take a look at your local high school parking lot sometime. We are actually educating kids not to walk or ride bikes. Take a look at the country as a whole, and you will see a serious obesity problem. Take a look at our cities and ask the question, ''How safe is it for a family to ride a bicycle to the store or to the park? How safe is it for children to ride to school on a bike? How safe is for a mother to take her child to the grocery store on a bike? Sadly, the basic answer seems to be: ''Who cares?'' Frankly, you should!

The second reason is also related to health. When Idaho's cities grow, with the corresponding dependence upon gasoline, the wonderful clean air that people brag about deteriorates. The Rathdrum Prairie and the Spokane Valley are set up very much like the Los Angeles basin. It is only a matter of time before we restrict woodburning stoves in the winter and increase emission standards on vehicles.

The third reason is for the health of the planet. The hole in the ozone layer and the problems caused by global warming may not be entirely caused by the internal combustion engine, but they have played a significant role. Just think for a minute of what this world is going to look like if we continue down this path, and China, Africa, India and the rest of the world drive cars the way we do. Our children and grandchildren will have a difficult time breathing, and that will be just the beginning of the problems they will face. Capitalism certainly has its strengths as an economic tool. But somebody has to control it, or it will lead us to our own destruction. It is a system designed to create profit for people who answer needs.

Fifty years ago or more, our system began ''creating needs'', like a MacDonald's hamburger, a Corvette Stingray, or a piece of waterfront property all to myself. Originally, these seemed like simple enough requests, but look at what we have become. Our religions tell us wealth does not make us happy, but we do not really hear that. We flatter men and institutions who treat nature like their own possession. Sadly, I would bet that very few people in Idaho are writing you letters like this. I wish you had the wisdom and the courage to begin to turn the thinking of the people of this state around. My question to you is simply, ''If we keep going this way, what do you think Idaho and this country will look like in 50 more years. I predict your children and grandchildren will be saying, ''Wow, we did not know that would happen!'' Just as much as we are saying now that we wish the miners of the 19th and 20th centuries had said, ''Maybe we should have more concern for our lakes and rivers''. Just as I would say now, ''Why did not our forefathers have the wisdom to see that turning the shoreline of our lake over to private property owners is a serious mistake.'' The waters of Idaho just as the ocean around the islands of Hawaii should have remained public property. ''Those who refuse to learn from history are destined to repeat it.'' We are there! Good luck with your programs. I know you are a good and thoughtful man, and you cannot singlehandedly turn this state or this country around, but I hope you will begin to open your eyes and your mind to some other possibilities. We need that from you.

RICHARD.

Thank you for the email telling us of your position on the energy crunch. I heartily support tapping the petroleum resources we have here in the United States and, from all that I have heard, we have the technology to do it in an environmentally-friendly manner. I understand that Congressman Chris Cannon of Utah is making efforts to develop oil shale fields that are located under Utah, Colorado and Wyoming. I support this and hope that you will uphold these efforts if corresponding bills reach the Senate. Also, please do whatever you can to support the development of technologies that will allow us to tap these resources in more efficient and environmentally conscientious ways.

I also support expanding our use of nuclear energy. My understanding is that the popular fears of nuclear power plants are largely based on myth. And most of the ''waste'' produced is either relatively benign, or can be recycled or reused. If federal regulations were changed so that all radioactive byproducts did not have to be shipped to a nuclear waste repository, we would have plenty of space in places like Yucca Mountain for the 2 percent of nuclear ''waste'' that actually should be there. France produces 80 percent of its electricity from nuclear power. What in the world is holding the U.S. back from building more nuclear power plants?

I am all in favor of expanding our refinery capacity and in developing alternative energy sources, such as biodiesel. Please do whatever you can to bring about changes at the federal level so that the private sector can go to work developing technologies and resources and solve these growing problems. I pray that your fellow legislators will take the extreme environmentalist lobby with a grain of salt. I agree that we are ''too dependent on petroleum,'' and that we are ''far too dependent on foreign sources of that petroleum.'' We need to move forward in tapping the resources we have. We need to do so in an environmentally conscientious manner, but we need to move forward.

BLAKE, *Hamer*.

What would really help is if this information could be put into the hands (and heads!) of the other Senators, Representatives and President Bush.

I am sure you are looking for sad stories of starving babies and missed vacations due to the price of energy lately. My story is quite different. I have taken the issue of high gas prices as an opportunity to change my lifestyle. I ride my bicycle more instead of driving everywhere, I have started enjoying activities that occur in my own backyard instead of ''going somewhere'' to have a good time. I have actually enjoyed the peace and quiet this gives me. Its funny how our ''on the go'' American lifestyle in search of ''a good time'' can be solved by NOT being on the go! :†)

Now I am sure there are people (many people) who are severely hurt from change in energy prices, BUT ignoring the issue and waiting for someone to bail them out is NOT the right solution. I have learned to live within my financial budget and not spend more than I make (something my grandfather taught me). I take the same approach to energy. If I cannot afford to do it, I just find other things to do! No more whining and wanting handouts! No more subsities. Let the price of gas/oil go whereever the market will take it. Let us diversify our energy sources and get rid of this ''single point of failure''. I would even go so far as to say we should NOT ''fully utilize proven American oil and natural gas reserves'' (leave them for a real rainy day) and lets put our time and effort into diversifying.

DAX.

Something has got to give! My husband works ten hour-days and sometimes six days a week in the woods as a logger. I work as a school bus driver eleven months a year. (Neither one of us has to drive to work, thank God!) We live at least 50 miles roundtrip from the doctor's offices, bank, grocery stores, etc. Our gas bill averages around $400 a month since January '08. Our heat/energy bill averages $400 a month. We have tried to make our trips to town count as we would stock up and shop for necessities a few times a month. However, that has also changed as we cannot afford to stock up as grocery prices have skyrocketed. We now do without. Our extra money is being eaten up by fuel, energy costs and groceries and we are not living high on the hog!! We cannot afford the fresh food that does not last a week in the refrigerator and cannot afford to go 50 miles for fresh stuff weekly.

We have tried to help our only daughter who lives 80 miles away and can barely cover rent and student loans (who, by the way, did not qualify for a stimulus check when she has worked and went to college, her income was $6,000.)

To top it off, we do have credit card debt and perfect credit, which we've worked hard to achieve!! But apparently due to the credit crises(?), we received a letter that now our interest rates are going up even though we have never been late with a payment or exceeded our limit! Our retirement accounts are crashing, according to news releases; that is also due to oil prices and speculators! We have had the American Dream, and it is slipping away!! Time for some changes, sick to death of environmentalists who probably do not even work! Fed up in rural Idaho.

SCOTT and SHANNON, *Deary*.

I advised my state representatives against passing legislation for ethanol production. I hope I was not the lone voice.

I am alerting all who are willing to listen or read of the manipulation of the United States of America into the North American Union and subsequently an Emergent World Government.

You will either be unaware of this activity, a proponent of it, or opposed to the premise of the dissolution of the US of A. I know what is on the horizon for America and planet Earth. Our current path need not be a willing venture. We have the resources and the resolve to lead the world. We do not need to abdicate that role to a dozen Global families.

The link I provide below is revealing. According to Lindsey Williams, a Baptist Minister who worked with oil exploration companies in Alaska, the U.S. has all the oil it needs for the next 100 years or so.

http://video.google.com/videoplay?docid=3340274697167011147

This information needs but one Senator or Representative to bring it to the floor and into the light. It may be too late already. If you wish to discuss this at length, I will avail myself.

Respectfully,

DENNIS.

I am a typical Idahoan, born and raised here. I work as Rehabilitation Counselor for

the State of Idaho. I work with individuals who are typically low income, or reliant on Social Security Disability Awards for their living. The gas prices have hit these individuals very hard. Many have a strong desire to obtain employment and earn a gainful wage, but with gas prices at $4/gallon, they simply cannot afford to go to work. There is not a reliable bus system, no train system to be utilized, and so they decide to sit at home. The nearest areas offering the best employment options are 20 miles away in either direction. Not a bad commute as the traffic is relatively minimal, but an $8, $9, $10/hour job simply does not offset the cost of fuel. I live five minutes from my office, and I find myself wondering how I will pay for the fuel. I laugh when I see the oil representatives say they pay the same amount for gas as the rest of us. They may pay the $4/gallon I do, but it has minimal to no impact on their wallet when compared to the average American. Please work harder to find a suitable solution that is long term and equitable to all Americans.

My story is not dramatic. It probably is not unique, but I think that is why I am taking the time to email a response to your news letter.

Trenton.

I am a thirty-year-old mother of two young boys and registered nurse. My husband and I budget. We save. We avoid debt. Our home is modest, much of it built with our own hands. We each drive a ten-year-old car. We rarely eat out. We will also earn nearly $86,000 this year, far above the median Idaho household income. Yet, I am feeling the burden of increased energy costs.

How can that be? Our story really began with 9-11, or the economic downturn that immediately followed it. Downsizing, and then more downsizing meant layoffs for my husband, a new college graduate at that time. Jobs were scarce for new grads, and we depleted our savings, eventually turning to credit cards in order to feed and insure our young family.

The economy picked up and he found consistent work. Then, I graduated from college and we began attacking our credit cards with added fervor. The future began looking brighter. We set debt payoff goals and looked for ways to reduce the number of my hours away from home so that I could focus on our young boys. This December I was going to work one less day per pay period. It was going to be our Christmas present to our family.

Now that dream does not seem likely.

Increases in energy have led to price hikes around the board. Wheat costs have skyrocketed, fresh produce too, and, let us not even talk about milk and gasoline. The increases mean that, in order for us to pay off our debt and continue saving, I will have to continue working my regular schedule. If we want any extras, like a date out, an occasional vacation, or to finish projects around the house, I have to work extra shifts to cover those. I do not see how I will be able to reduce the number of hours at my job.

You ask what priorities I think Congress should set to solve this crisis? My answers may seem a little strange, but I am a believer in capitalism, fiscal responsibility and hard work. They really do work! I would like to see our leaders:

Increase domestic oil production & alternative energy production. Remember the South? Many say that they lost the war because they did not have infrastructure. We need to remember past mistakes so they do not revisit our future. Our refineries are aging. We import more than we export. Regulations make it nearly impossible to build new refineries and expensive for new drill sites. We need to find a balance with responsible environmental practices that allow new refineries to be built and natural resources to be extracted.

Do not set price caps. If oil and gas become too expensive, there will be incentive for alternative fuels & for Americans to conserve!

Look at ways to decrease our tax load. Americans work very hard for every penny we earn. Find ways to be more fiscally responsible so that our tax burden can be lightened to help offset our increasing energy expenses.

Do not forget the younger generation. My generation is paying thousands in to social security & other programs that will be bankrupt before we ever get to use them. We feel the added strain of paying now, while trying to find ways to be self sufficient because we expect to have a bankrupt country by the time we get to retirement age. We need to invest in our future. And please do not forget our little children. What legacy will we be leaving them?

Quit labeling the Oil Companies as the bad guys. Our current conundrum is nothing more than the classic supply versus demand. If demand goes up and supply cannot meet it, the cost will go up. This concept is taught in economics classes around the country. Why should we expense the oil companies to work for nothing? These companies provide many Americans with good jobs. Let us find a way to bring more of these jobs home!

Thank you for your time,

DIXIE, *Rexburg.*

RECOGNIZING SBE, INC. OF BARRE, VERMONT

Mr. LEAHY. Mr. President, I rise today to recognize the innovation and achievements of SBE, Inc. in Barre, VT.

For decades, SBE has demonstrated an exceptional ability to adapt to the demands of a changing marketplace. The company started as Sprague Electric in 1945, but today SBE is using cutting-edge technology to develop capacitors for use in green cars, alternative energies, Taser stun guns, and advanced military equipment. These innovative products have created dozens of quality Vermont jobs that reflect our state's commitment towards moving to alternative energy sources.

I commend Ed Sawyer, president and CEO of SBE, and all of the hard-working employees in Barre for their foresight and innovation. I ask unanimous consent that a September 1, 2008, Burlington Free Press article about the company be printed in the RECORD so all Senators can read about the success and commendable business practices of this sustainable Vermont company.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Sept. 1, 2008]

BARRE FIRM ADAPTS PRODUCTS TO SURVIVE: CAPACITOR COMPANY MOVES FOCUS FROM TV AND STEREOS TO TASERS AND HYBRIDS

(By Dan McLean)

BARRE.—SBE Inc., built on 20th century capacitor technology, has survived by continuing to adapt, taking a Vermont-made product and carving a national market.

SBE has branched off from its trademarked orange colored capacitors, known worldwide as the ''orange drop,'' and is pursuing ''power ring'' technology for hybrid vehicles, alternative energy producers and military applications.

''This is sustainable manufacturing. It's a different product mix,'' said Ed Sawyer, president and CEO of the SBE Inc.

SBE has landed two rounds of U.S. Department of Energy grants to pursue capacitor technology for the burgeoning hybrid vehicle industry. The money is helping to bankroll research and development that are creating jobs. ''We applied for the grant in a competitive process along with approximately 2,000 other firms across the U.S,'' Sawyer said.

By continuing to innovate, the manufacturer has been able to save itself from becoming obsolete.

Over a billion capacitors have been made by the Barre-based manufacturer during the past six decades, Sawyer said. A capacitor is an electronic device that can store energy.

KEYS TO SURVIVAL

Boom times continued into the late 1960s and early 1970s for the capacitor manufacturer. During that time, about 900 employees built capacitors for companies such as AC Delco, Magnavox, RCA and Zenith.

The industry has changed a lot since Sprague Electric entered into a subcontracting agreement with the Rock of Ages Corp. to manufacture capacitors on their behalf in 1945. SBE Inc. is the successor to Sprague Electric Co.

SBE has retooled. The company has translated a mid-20th century technology into a modern application for green cars, alternative energies, Taser stun guns and military equipment. As the decades passed, foreign competitors—mostly in China, Korea, Malaysia and the Philippines—began making capacitors for one-quarter to one-third the price, Sawyer said. Aside from the hefty price competition, work was lost because the manufacturing of many electronic devices that use capacitors moved from the U.S. to Asia.

When Sprague Electric sold the company to SBE in 1986, it was down to 19 employees, Sawyer said. SBE now has about 50 employees and is hiring five more engineers to work on capacitors for hybrid cars.

The company survived, Sawyer said, because of its longstanding philosophy: ''new products need to be developed to keep the company viable.''

SBE Inc.—which leases 30,000 square feet of the 110,000 square feet the manufacturer owned a few decades ago—was created from the shell that Sprague Electric was leaving behind after being decimated by foreign competition, Sawyer said. The management team banded together to buy the operation, forming SBE, he said.

''If they didn't have the motivation, it would have been just one more 'closed business' story,'' Sawyer said.

Since becoming president in 2002, Sawyer promoted the development of patents. Three patents have been issued on high-voltage, pulse technologies, and six more are pending, he said.

Unlike a semiconductor, which requires power be applied to it, a capacitor has the ability to hold a charge and can change direct current to alternating current, which is used to power an electric motor.

JOB POTENTIAL

Job growth, particularly skilled manufacturing positions, should continue at SBE.

If the capacitor technology SBE is developing for hybrid vehicles is embraced by General Motors, as Sawyer hopes, employment could grow by another 100 people. ''It would be huge job growth for the state,'' he said.

Rob Peterson, a GM spokesman, said suppliers for the Chevy Volt hybrid vehicle have

not been established yet. ''We have made some decisions on suppliers, but we are very, very early on in the process.''

The Chevy Volt is set to hit markets in November 2010, Peterson said. The car is designed to travel 40 miles on an electric charge before tapping into electricity generated by a gas-fueled engine.

The bulk of SBE's sales remain in standard capacitors used in industrial lighting, welding equipment and supplies for cell phone towers.

''This is still what's paying the bills,'' he said.

SBE added to its product lineup when it became the exclusive provider for capacitors for Taser International Inc. in 2002, Sawyer said. SBE has sold about a million capacitors for the stun guns carried by police departments across the country, he said.

SBE landed Taser as a client because of the Barre company's history as an industry leader. ''They actually approached us, basically on our reputation in the industry,'' he said.

In 2007, SBE's revenue was $3 million to $5 million. Sawyer expects those figures to be 20 to 25 percent higher this year. Despite the sales, earnings are lackluster.

SBE, a privately held company, is not turning a profit, but that's because profits are being rolled back into the research and development budget, Sawyer said.

FUNDING SOURCES

Department of Energy grants are helpful, but they don't offset the losses, he said.

SBE received $850,000 from the Energy Department to perfect hybrid vehicle capacitor technology. The technology could make lighter, smaller capacitors and slice a few hundred dollars from the price of a hybrid vehicle, Sawyer said.

Grant money isn't the only source powering new endeavors at SBE. The company's eye toward innovation, and reliable revenue stream, caught the interest of ''angel'' investors, Sawyer said. Such investors have poured in more than $2 million in the last four years, he said.

The work for Taser helped SBE get traction with the investment community and the existing capacitor business added a sense of security.

''There is less risk than two guys in a garage. We are an existing entity that is paying the bills,'' Sawyer said.

The military is interested in the power ring technology to shoot ''a high energy laser'' from a vehicle,'' Sawyer said.

The technology of the capacitors is similar. It's the sizes of the pieces that vary. Capacitors for the hybrid cars are 6 inches in diameter, substantially larger than the standard capacitors, which are ½-inch to 1–inch wide.

Capacitors being used by solar and wind energy producers to store and filter electricity are about 12 inches in diameter, he said.

York Capacitor—a similar operation in Winooski—closed in 2005 after being purchased by a South Carolina company that moved manufacturing to Mexico. York Capacitor failed to adapt, Sawyer said. ''They never changed.''

''I don't think we'd be in business today . . . if we didn't make the choices we made to target the markets we are now,'' he said.

ADDITIONAL STATEMENTS

TRIBUTE TO LARRY THORNTON

• Mr. AKAKA. Mr. President, today I want to share a story with my colleagues about the accomplishments of one of my constituents. It begins with a feature story in Landscape Superintendent and Maintenance Professional magazine and ends with selection as the Air Force Association's 2008 Department of Veterans Affairs Employee of the Year Award. The link between the two is a fine veteran and fellow Hawaii resident, Mr. Larry L. Thornton.

In June of last year, Landscape Superintendent and Maintenance Professional magazine featured an article entitled ''Maintaining Honor,'' on the quality of the grounds-keeping at the National Memorial Cemetery of the Pacific. The national cemetery, located on the island of Oahu and known to Hawaii locals as ''Punchbowl,'' is a crown jewel of America's memorials, and the last resting place of thousands who so valiantly served their Nation. Millions visit Punchbowl annually, to walk the grounds, to stand silently in its beauty, and to pay tribute to those laid to rest there.

The article featured pictures of the groundskeepers, each identified by first and last name. Unbeknownst to the readers, these hard working stewards are injured veterans, some with disabilities for which others may have written them off as unable to contribute a day's labor. But thanks in large part to one man, one of their fellow veterans, they succeed beyond such expectations, one day at a time. That man, their supervisor for VA's Compensated Work Therapy Program for disabled veterans, managed to escape the feature photos. That man is Punchbowl's Cemetery caretaker foreman, Larry Thornton.

Fortunately, Mr. Thornton could not escape the limelight when he finally received just recognition for his work with disabled veterans and for his dedicated labor to maintain a national shrine. This year his work was recognized and earned him the Air Force Association's Department of Veterans Affairs Employee of the Year Award for 2008. I join the Air Force Association in commending this fine veteran, Mr. Thornton, for his service to his fellow veterans and our Nation. His service began long before this award, and I am sure that it will continue long after it. I am doubly proud of him, as a Senator from Hawaii and as the chairman of the Veterans' Affairs Committee.•

TRIBUTE TO STUART POLLAK

• Mrs. BOXER. Mr. President, I am pleased and honored to pay tribute to Stuart Pollack for his many years of service to the Hebrew Free Loan Association based in San Francisco, CA.

Stuart graduated as valedictorian from Lowell High School in San Francisco in 1955. He went on to attend Stanford University for his undergraduate degree and graduated from Harvard Law School magna cum laude in 1962. In his first year out of law school, Stuart would serve as a law clerk to Chief Justice Earl Warren and to Justices Stanley Reed and Harold Burton. Following his work as a law clerk, Stuart moved on to the U.S. Department of Justice, Criminal Division; Special Assistant to Assistant Attorney General.

After finishing his position with the Department of Justice, Stuart went into private practice at Howard Rice Nemerovski Canady & Pollak where he served as partner for 14 years before becoming a judge on the San Francisco Superior Court, a position he held through 2002. Continuing with a long list of legal accomplishments, Stuart currently serves as an associate justice on the California Court of Appeals, Division Three. Even with his demanding schedule as an associate justice, Stuart has consistently made time for Hebrew Free Loan Association and other organizations in which he has a leadership role: Jewish Community Relations Council, the Jewish Community Federation, New Israel Fund, America-Israel Friendship League and Congregation Sherith Israel.

I commend the mission of Hebrew Free Loan Association and am thrilled by the positive impact it has on the lives of those who receive its assistance. Over the last 110 years, Hebrew Free Loan Association has provided interest-free loans to people in need; assistance in the form of a loan rather than a hand out. Stuart's many years of dedicated involvement with Hebrew Free Loan Association, including his 2 years as president, has allowed many from the San Francisco Bay Area Jewish community to realize their dreams.

After nearly 30 years of continuing service to Hebrew Free Loan Association, I remain in admiration of Stuart's strong sense of civic duty. Along with hundreds of his friends and admirers throughout the San Francisco Bay area, I wish him many more years of continued community involvement and leadership.•

TRIBUTE TO SERGEANT PAUL STARZYK

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of a dedicated law enforcement officer, Sergeant Paul Starzyk of the city of Martinez Police Department. For the past 12 years, Sergeant Starzyk worked tirelessly to provide the citizens of Martinez with safety and service. On September 6, 2008, Sergeant Starzyk was tragically killed in the line of duty.

Sergeant Starzyk, an Antioch resident, worked as a banker and at a local soup kitchen before he became active in law enforcement. He was hired by the city of Martinez Police Department as a reserve officer in 1992 and became a police office in December 1994. After a brief period with the Pleasant Hill Police Department, Sergeant Starzyk came back to the Martinez Police Department in April 1997 and was promoted to sergeant in December 2007.

A member of the Central Contra Costa Narcotics Enforcement Team

and a former SWAT team leader, Sergeant Starzyk was renowned for his leadership skills among fellow officers. Throughout his career, Sergeant Starzyk demonstrated a passion for law enforcement and commitment to helping others, qualities that enabled him to become a respected and model member of the Martinez Police Department. Sergeant Starzyk's colleagues will always remember him for his professionalism and devotion to serving the public.

Sergeant Starzyk was a loving husband, proud father, and devoted friend. He is survived by his wife Shannon, a Contra Costa County sheriff's deputy, and three young children. Sergeant Starzyk served the city of Martinez with honor and dignity, and his contributions to his community and the many lives that he touched will serve as a shining example of his legacy.

We will always be grateful for Sergeant Starzyk's service and the valor that he displayed while serving and protecting the people of Martinez.●

RECOGNIZING THE 938TH ENGINEER DETACHMENT

● Mr. CRAPO. Mr. President, it is an honor for me to recognize the remarkable achievement of a group of Idaho citizen soldiers, the 938th Engineer Detachment from Driggs. The 938th was recently awarded the Meritorious Unit Commendation, one of the U.S. Army's highest honors. According to BG Alan Gayhart, an Idaho unit has not won this award since the days of World War II, over 60 years ago. The 938th Engineer Battalion participated in Operation Iraqi Freedom from February 2003 to March 2004. The unit operated in the capacity of fire prevention and combat aircraft protection for the 101st Airborne Division in northern Iraq. This was a difficult mission, and one that they executed with professionalism, skill, and excellence. The firefighters worked tirelessly in their protection and prevention efforts in defense of freedom, and I 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 Meritorious Unit Commendation which the 938th Engineer Battalion received 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.●

SONY HAWAII AND SONY ELECTRONICS

● Mr. INOUYE. Mr. President, I wish to recognize Sony Hawaii and Sony Electronics (collectively ''Sony'') for their Electronics Take Back and Recycle Program. Sony Hawaii, part of the larger Sony Electronics Inc., is based in Honolulu and just celebrated its 40th anniversary as a Hawaii-based company. Seventy-five percent of Sony Hawaii's business comes from selling discounted Sony products directly to U.S. military personnel around the world.

Sony has long been an industry leader in the environmentally friendly design of its consumer electronics and information technology products. Last year, Sony announced its Take Back and Recycle Program to encourage consumers to recycle and dispose of electronic devices in an environmentally sound manner. The program provides customers free recycling of their unwanted Sony products, everything from a game console to a mobile phone to a DVD. Under its program, Sony takes full manufacturer responsibility for all products that bear its brand and will recycle those products at no cost to the consumer. Its recycling locations will also accept and recycle non-Sony consumer electronics and information technology products for a small fee.

Sony has partnered with Waste Management Recycle America to utilize 138 drop-off centers throughout the country, with the goal of having 150 permanent locations and at least one recycling location in every State by September 2008. Sony's longer term goal is to have a collection location within 20 miles of 95 percent of the U.S. population at which consumers, retailers, and municipalities can have any product from any consumer electronic manufacturer recycled.

All products which are collected through the program must be recycled using the strictest environmental standards. Waste Management will store, track inventory and dismantle the products into the form of common raw materials that can be bought and sold on the global market. In some cases, it is likely that recycled plastics will be purchased for reforming into a new current model electronics product. Sony seeks at least 95 percent recycling rates, with less than 5 percent of materials going to landfills. In addition, Sony provides full public accountability of how and where the material goes and prohibits the exportation of hazardous waste to developing countries.

In addition to setting up permanent collection centers, Sony is holding numerous, highly publicized electronics recycling events, throughout the United States, including some in the State of Hawaii. Sony also offers consumers credit toward the future purchase of a similar product if they send in their old product for recycling.

Sony has stated that its goal in implementing the Take Back and Recycle Program is to make recycling as easy for consumers as it is for them to purchase a Sony product. I commend Sony for its electronics recycling efforts.●

100TH ANNIVERSARY OF OUR LADY OF SORROWS CATHOLIC CHURCH

● Mr. LEVIN. Mr. President, I would like to extend my congratulations to Our Lady of Sorrows Catholic Church in Grand Rapids, MI, as they celebrate their 100th anniversary. Since its inaugural mass on September 20, 1908, Our Lady of Sorrows Catholic Church has been devoted to serving the many diverse needs within the Grand Rapids community, and I am pleased to join in celebrating this important milestone.

In the late 1800s, as the Italian-American population in Grand Rapids continued to grow, there began an earnest search within this immigrant community for a place to worship that would respond to their specific needs. Led by Father Salvatore Cianci and without a formal structure in which to conduct mass, the congregation was established and gathered in the basement of St. Andrew's Cathedral in Grand Rapids in 1908 to celebrate its first mass. With this mass, the congregation of Our Lady of Sorrows began their spiritual journey by seeking to minister to the roughly 75 families that lived in the area at the time.

During the early part of the 20th century, Our Lady of Sorrows Catholic Church continued to grow and to establish a presence in the community. Throughout both the Great Depression and World War II, they worked diligently to create a permanent residence for their church community. The church initiated fundraising efforts to help support the purchase of a permanent location, as well as to support their many community outreach efforts. After nearly 40 years in temporary locations, their determination and persistence was rewarded with the dedication of the new church structure on April 14, 1957.

Through the many challenges and changes the church and the larger community endured, Our Lady of Sorrows has remained committed to its church family. The Grand Rapids parish is presently home to more than 250 families of diverse backgrounds, including a growing Hispanic population. During their distinguished 100-year history, they established an elementary school; constructed a new convent, rectory, and church; and established a local scholarship for anyone living within the boundaries of the parish. Today, the church serves as an example of an inclusive community and has reached out to people of diverse backgrounds, facilitating an appreciation for different cultures.

Our Lady of Sorrows Catholic Church is truly an important part of the rich history of Grand Rapids. Their influence and service to the community is apparent to the many that have benefitted from the church's spiritual and

outreach efforts. I know my colleagues join me in congratulating Our Lady of Sorrows Catholic Church on 100 years of dedicated service to the Grand Rapids community, and I wish them much success as they embark on another 100-year journey.●

RECOGNIZING FIREFLY RESTORATIONS

● Ms. SNOWE. Mr. President, today I recognize Firefly Restorations of Hope, ME, a company whose tribute to the fallen firefighters of September 11 stands as a symbol of our Nation's resolve and exemplifies the selfless spirit of Maine's small businesses.

Firefly Restorations is one of a small number of businesses that restore and rebuild antique fire apparatus. Firefly's owner, Andy Swift, is a Mainer with a life-long love of firefighting and fire engines. Mr. Swift, a firefighter of over fourteen years, has been restoring fire engines for two decades. In his words he has been: ''. . . immersed in this world of fire.''

On September 11, 2001, Mr. Swift watched from his television as his brethren entered the Twin Towers and sacrificed their lives so that those trapped inside might live. It was at that moment that Mr. Swift resolved to do something, anything, to assist or to commemorate the events of that tragic day. At first, Mr. Swift felt a visceral pull to Ground Zero. As he said, ''When you're a fireman, you have a firefighter's heart.'' But instead, he found a different and unique way to show his gratitude for the sacrifices of the fallen firefighters of the New York City Fire Department.

Mr. Swift made an offer to the New York City Fire Department. He said, provide me with a fire engine, any fire engine, and I will restore it for free. Shortly after the offer was made, the New York City Fire Department asked him to restore a nineteenth century hose wagon, and Mr. Swift was more than happy to oblige.

Restoring fire engines is a costly and time consuming task. Firefly Restorations typically takes 2 years to refurbish an engine, but with Maine firefighters raising $3,500 for materials and Mr. Swift and his employees donating over 2,500 hours of free labor, the hose wagon was completed within 6 months.

On October 12, 2002, 1 year, 1 month, and 1 day after September 11, the fire hose Firefly Restorations refurbished made its debut at the fallen firefighter's memorial service in Madison Square Garden. Amidst the tributes and memorial services the antique hose wagon stood as a silent reminder of the links between generations of brave men and women who rush into buildings when others rush out. In his own way, Mr. Swift put the ceremony into perspective when he said, ''It was probably one of the most moving things that I've been involved with. I think it was a healing process, and I think it was important for me to go through . . . I was brokenhearted like many, many other people were, and I just thought it was part of the stage of healing.''

Seven years after September 11 Mr. Swift and his business are still in Maine and continue to restore fire engines. After the October 2002 memorial service, the hose wagon returned to Maine, and, today, it can be found at the Owls Head Transportation Museum in Owls Head, Maine. On the seventh anniversary of September 11, we take this day to grieve and commemorate the extraordinary acts preformed by ordinary Americans like Andy Swift and his employees at Firefly Restorations.

I thank Andy Swift and Firefly Restorations for this gift to our country, our Nation's firefighters, and to those brave heroes who gave their lives on September 11.●

PROPOSED AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF INDIA CONCERNING PEACEFUL USES OF NUCLEAR ENERGY, RECEIVED DURING ADJOURNMENT OF THE SENATE ON SEPTEMBER 10, 2008—PM 63

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to section 123 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153) (AEA), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of India Concerning Peaceful Uses of Nuclear Energy. I am also pleased to transmit my written determination concerning the Agreement, including my approval of the Agreement and my authorization to execute the Agreement, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. (In accordance with section 123 of the AEA, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), a classified annex to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately.) The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed.

The proposed Agreement has been negotiated in accordance with the AEA and other applicable law. In my judgment, it meets all applicable statutory requirements except for section 123a.(2) of the AEA, from which I have exempted it as described below.

The proposed Agreement provides a comprehensive framework for U.S. peaceful nuclear cooperation with India. It permits the transfer of information, non-nuclear material, nuclear material, equipment (including reactors) and components for nuclear research and nuclear power production. It does not permit transfers of any restricted data. Sensitive nuclear technology, heavy-water production technology and production facilities, sensitive nuclear facilities, and major critical components of such facilities may not be transferred under the Agreement unless the Agreement is amended. The Agreement permits the enrichment of uranium subject to it up to 20 percent in the isotope 235. It permits reprocessing and other alterations in form or content of nuclear material subject to it; however, in the case of such activities in India, these rights will not come into effect until India establishes a new national reprocessing facility dedicated to reprocessing under IAEA safeguards and both parties agree on arrangements and procedures under which the reprocessing or other alteration in form or content will take place.

In Article 5(6) the Agreement records certain political commitments concerning reliable supply of nuclear fuel given to India by the United States in March 2006. The text of the Agreement does not, however, transform these political commitments into legally binding commitments because the Agreement, like other U.S. agreements of its type, is intended as a framework agreement.

The Agreement will remain in force for a period of 40 years and will continue in force thereafter for additional periods of 10 years each unless either party gives notice to terminate it 6 months before the end of a period. Moreover, either party has the right to terminate the Agreement prior to its expiration on 1 year's written notice to the other party. A party seeking early termination of the Agreement has the right immediately to cease cooperation under the Agreement, prior to termination, if it determines that a mutually acceptable resolution of outstanding issues cannot be achieved through consultations. In any case the Agreement, as noted, is a framework or enabling agreement that does not compel any specific nuclear cooperative activity. In the event of termination of the Agreement, key nonproliferation conditions and controls would continue with respect to material and equipment subject to the Agreement.

An extensive discussion of India's civil nuclear program, military nuclear program, and nuclear nonproliferation policies and practices is provided in the Nuclear Proliferation Assessment Statement (NPAS) and in a classified annex to the NPAS submitted to the Congress separately.

The AEA establishes the requirements for agreements for nuclear cooperation, some of which apply only to non-nuclear-weapon states (see AEA, section 123a.). The AEA incorporates the definition of ''nuclear-weapon state'' from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which defines it to mean a state that has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967. Therefore India is a non-nuclear-weapon state for NPT and AEA purposes, even though it possesses nuclear weapons. The Agreement satisfies all requirements set forth in section 123a. of the AEA except the requirement of section 123a.(2) that, as a condition of continued U.S. nuclear supply under the Agreement, IAEA safeguards be maintained in India with respect to all nuclear materials in all peaceful nuclear activities within its territory, under its jurisdiction, or carried out under its control anywhere (i.e., ''full-scope'' or ''comprehensive'' safeguards).

The Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006 (the ''Hyde Act'') established authority to exempt the Agreement from the full-scope safeguards requirement of section 123a.(2) of the AEA, as well as certain other provisions of the AEA relating to supply under such an agreement, provided that the President makes certain determinations and transmits them to the Congress together with a report detailing the basis for the determinations. I have made those determinations, and I am submitting them together with the required report as an enclosure to this transmittal.

Approval of the Agreement, followed by its signature and entry into force, will permit the United States and India to move forward on the U.S.-India Civil Nuclear Cooperation Initiative, which Indian Prime Minister Manmohan Singh and I announced on July 18, 2005, and reaffirmed on March 2, 2006. Civil nuclear cooperation between the United States and India pursuant to the Agreement will offer major strategic and economic benefits to both countries, including enhanced energy security, an ability to rely more extensively on an environmentally friendly energy source, greater economic opportunities, and more robust nonproliferation efforts.

The Agreement will reinforce the growing bilateral relationship between two vibrant democracies. The United States is committed to a strategic partnership with India, the Agreement promises to be a major milestone in achieving and sustaining that goal.

In reviewing the proposed Agreement I have considered the views and recommendations of interested agencies. I have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved it and I urge that the Congress also approve it this year.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 10, 2008*.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 11:24 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 5683. An act to make certain reforms with respect to the Government Accountability Office, and for other purposes.

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

S. 2450. An act to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine.

S. 2837. An act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Theodore Roosevelt United States Courthouse''.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 3:58 p.m., a message from the House of Representatives, delivered by Mr. Zapata, 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. 1527. An act 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.

H.R. 3667. An act 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.

H.R. 4081. An act to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 2617. An act 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, to provide for an increase in the rates of such compensation effective December 1, 2008, and for other purposes.

At 4:44 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 344. Concurrent resolution recognizing the disproportionate impact of the global food crisis on children in the developing world.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 6532) to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

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

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1527. An act 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; to the Committee on Veterans' Affairs.

H.R. 3667. An act 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; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 344. Recognizing the disproportionate impact of the global food crisis on children in the developing world; to the Committee on Foreign Relations.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 11, 2008, she had presented to the President of the United States the following enrolled bills:

S. 2450. An act to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine.

S. 2837. An act to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Theodore Roosevelt United States Courthouse''.

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–7522. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Coverage Enhancement Option'' (RIN0563–AC15) received on August 26, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7523. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department

of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Brucellosis in Cattle; State and Area Classifications; Texas'' (Docket No. APHIS–2008–0003) received on August 27, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7524. A communication from the Under Secretary of Agriculture (Food, Nutrition, and Consumer Services), transmitting, pursuant to law, the report of a rule entitled ''Management of Donated Foods in Child Nutrition Programs, the Nutrition Services Incentive Program, and Charitable Institutions'' (RIN0584–AD45) received on August 27, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7525. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred within the Department of the Army and has been assigned case number 05–13; to the Committee on Appropriations.

EC–7526. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred within the Department of the Air Force and has been assigned case number 06–01; to the Committee on Appropriations.

EC–7527. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred within the Department of the Navy and has been assigned case number 07–04; to the Committee on Appropriations.

EC–7528. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, nine quarterly Selected Acquisition Reports (SARs) for the quarter ending June 30, 2008; to the Committee on Armed Services.

EC–7529. A communication form the Principal Deputy Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Department of Defense's review of programs designed to prevent recruiter misconduct; to the Committee on Armed Services.

EC–7530. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (6) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–7531. A communication from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, a report relative to public-private competitions affecting the 82nd Training Wing, Sheppard Air Force Base, Texas; to the Committee on Armed Services.

EC–7532. A communication from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notification of the department's decision to convert to contract the aircraft maintenance functions currently performed by 101 military personal of the Fleet Logistics Support Squadrons at Andrews Air Force Base, Maryland; to the Committee on Armed Services.

EC–7533. A communication from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, a report relative to the results of the Department's A–76 public-private competition; to the Committee on Armed Services.

EC–7534. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to the Future Years Defense Program (FYDP); to the Committee on Armed Services.

EC–7535. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of (3) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–7536. A communication from the Chairman, U.S. International Trade Commission, transmitting, pursuant to law, a report entitled, ''The Year in Trade 2007''; to the Committee on Finance.

EC–7537. A communication from the Acting Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''First Sale Declaration Requirement'' (RIN1505–AB96) received on August 20, 2008; to the Committee on Finance.

EC–7538. A communication from the Acting Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Entry Requirements for Certain Softwood Lumber Products Exported from Any Country into the United States'' (RIN1505–AB98) received on August 20, 2008; to the Committee on Finance.

EC–7539. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—September 2008'' (Rev. Rul. 2008–46) received on August 20, 2008; to the Committee on Finance.

EC–7540. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''IRC 965 Dividend Repatriation Audit Guidelines'' (LMSB–4–0808–043) received on September 2, 2008; to the Committee on Finance.

EC–7541. A communication from the Chief of Publications and Regulations, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualified Forestry Conservation Bonds'' (Notice 2008–70) received on September 2, 2008; to the Committee on Finance.

EC–7542. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, a report entitled ''Report of the Proceedings of the Judicial Conference of the United States for the March 2008 Session''; to the Committee on the Judiciary.

EC–7543. A communication from the Principal Deputy Assistant Attorney General, transmitting, pursuant to law, a report relative to the Adam Walsh Child Protection and Safety Act of 2006; to the Committee on the Judiciary.

EC–7544. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Aliens Inadmissible Under the Immigration and Nationality Act, as Amended: Unlawful Voters'' (RIN1400–AC04) received on August 26, 2008; to the Committee on the Judiciary.

EC–7545. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Wisconsin Advisory Committee; to the Committee on the Judiciary.

EC–7546. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Arkansas Advisory Committee; to the Committee on the Judiciary.

EC–7547. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the addition of workers from Spencer Chemical/Jayhawk Works near Pittsburg, Kansas, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–7548. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Y–12 Plant in Oak Ridge, Tennessee, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–7549. A communication from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received on August 27, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7550. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling; Health Claim; Soluble Fiber From Certain Foods and Risk of Coronary Heart Disease'' (Docket No. FDA–2008–P–0090) received on August 29, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7551. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, an annual report relative to the federal work force for fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–7552. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled ''The Department of Labor's 2007 Findings on the Worst Forms of Child Labor''; to the Committee on Health, Education, Labor, and Pensions.

EC–7553. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to an annual plan for the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources Research and Development Program; to the Committee on Energy and Natural Resources.

EC–7554. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''Annual Energy Outlook 2008''; to the Committee on Energy and Natural Resources.

EC–7555. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to progress made in licensing and constructing the Alaska natural gas pipeline; to the Committee on Energy and Natural Resources.

EC–7556. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Utah Regulatory Program'' (Docket No. UT–042–FOR) received on August 25, 2008; to the Committee on Energy and Natural Resources.

EC–7557. A communication from the Acting Chief, Regulatory Affairs, Bureau of Land Management, transmitting, pursuant to law, the report of a rule entitled ''Recreation and Public Purposes Act; Solid Waste Disposal'' (RIN1004–AE03) received on August 27, 2008; to the Committee on Energy and Natural Resources.

EC–7558. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Electric Generating Unit Multi-Pollutant Regulation'' (FRL No. 8708–6) received on August 25, 2008; to the Committee on Environment and Public Works.

EC–7559. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Determination of Attainment of Fine Particle Standard'' (FRL No. 8707–3) received on August 25, 2008; to the Committee on Environment and Public Works.

EC–7560. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Iowa'' (FRL No. 8707–7) received on August 25, 2008; to the Committee on Environment and Public Works.

EC–7561. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyprodinil; Pesticide Tolerances'' (FRL No. 8377–8) received on August 25, 2008; to the Committee on Environment and Public Works.

EC–7562. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''2008–2009 Refuge-Specific Hunting and Sport Fishing Regulations (Additions)'' (RIN1018–AV20) received on August 27 2008; to the Committee on Environment and Public Works.

EC–7563. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, the report of the draft of a bill, ''To amend the Elwha River Ecosystem and Fisheries Restoration Act to provide certain authorities for dam removal and mitigation activities, and for other purposes''; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 381. A bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes (Rept. No. 110–452).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2382. A bill to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense (Rept. No. 110–453).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 3328. A bill to amend the Homeland Security Act of 2002 to provide for a one-year extension of other transaction authority (Rept. No. 110–454).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 3068. A bill to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony (Rept. No. 110–455).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 3013. A bill to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, and for other purposes (Rept. No. 110–456).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2997. A bill to reauthorize the Maritime Administration, and for other purposes (Rept. No. 110–457).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 3296. A bill 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.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

J. Patrick Rowan, of Maryland, to be an Assistant Attorney General.

Jeffrey Leigh Sedgwick, of Massachusetts, to be an Assistant Attorney General.

William B. Carr, Jr., of Pennsylvania, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2011.

(*Nominations without an asterisk were reported with the recommendation that they be confirmed.*)

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted on September 11, 2008:

By Mr. DODD, from the Committee on Foreign Relations:

[Treaty Doc. 109–14 Extradition Agreement with the European Union]

[Treaty Doc. 109–15 Extradition Treaty with Latvia]

[Treaty Doc. 109–16 Extradition Treaty with Estonia]

[Treaty Doc. 109–17 Extradition Treaty with Malta]

[Treaty Doc. 110–11 Extradition Treaty with Romania and Protocol to the Treaty on Mutual Legal Assistance in Criminal Matters with Romania]

[Treaty Doc. 110–12 Extradition Treaty with Bulgaria and an Agreement on Certain Aspects of Mutual Legal Assistance in Criminal Matters with Bulgaria]

[Treaty Doc. 109–13 Mutual Legal Assistance Agreement with the European Union]

[Treaty Doc. 107–12 Treaty with Sweden on Mutual Legal Assistance in Criminal Matters]

[Treaty Doc. 109–22 Treaty with Malaysia on Mutual Legal Assistance]

[Treaty Doc. 105–1B Incendiary Weapons Protocol]

[Treaty Doc. 105–1C Treaty Short Title: Protocol on Blinding Laser Weapons]

[Treaty Doc. 109–10B Amendment to Article 1 of the Convention on Prohibitions or Restrictions on Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects]

[Treaty Doc. 109–10C CCW Protocol on Explosive Remnants of War]

[Treaty Doc. 107–17 Partial Revision (1992) of Radio Regulations (Geneva 1979)]

[Treaty Doc. 108–28 1995 Revision of Radio Regulations]

[Treaty Doc. 110–1 Land-Based Sources Protocol to Cartagena Convention]

[Treaty Doc. 110–4 International Convention for Suppression of Acts of Nuclear Terrorism]

[Treaty Doc. 110–5 1996 Protocol to Convention on Prevention of Marine Pollution by Dumping of Wastes]

[Treaty Doc. 110–13 International Convention on Control of Harmful Anti-Fouling Systems on Ships, 2001]

[Treaty Doc. 110–15 Protocol Amending 1980 Tax Convention with Canada]

[Treaty Doc. 110–17 Tax Convention with Iceland]

[Treaty Doc. 110–18 Tax Convention with Bulgaria with Proposed Protocol of Amendment]

The text of the committee-recommended resolutions of advice and consent to ratification are as follows:

AGREEMENT ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE EUROPEAN UNION

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration and a Condition.

The Senate advises and consents to the ratification of the Agreement on Extradition between the United States of America and the European Union, signed at Washington on June 25, 2003, with a related Explanatory Note (Treaty Doc. 109–14), subject to the declaration of section 2 and the condition of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

Section 3. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition:

Report on Provisional Arrests. No later than February 1, 2010, and every February 1 for an additional four years thereafter, the Attorney General, in coordination with the Secretary of State, shall prepare and submit a report to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate that contains the following information:

(1) The number of provisional arrests made by the United States during the previous calendar year under each bilateral extradition treaty with a Member State of the European Union, and a summary description of the alleged conduct for which provisional arrest was sought;

(2) The number of individuals who were provisionally arrested by the United States under each such treaty who were still in custody at the end of the previous calendar year, and a summary description of the alleged conduct for which provisional arrest was sought;

(3) The length of time between each provisional arrest listed under paragraph (1) and the receipt by the United States of a formal request for extradition; and

(4) The length of time that each individual listed under paragraph (1) was held by the United States or an indication that they are still in custody if that is the case.

PROTOCOL TO THE EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF AUSTRIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol to the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Austria signed January 8, 1998, as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, signed at Vienna on July 20, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF BELGIUM

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the United States of America and the Kingdom of Belgium signed April 27, 1987, signed at Brussels on December 16, 2004 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CYPRUS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Cyprus signed June 17, 1996, signed at Nicosia on January 20, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

SECOND SUPPLEMENTARY TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE CZECH REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Second Supplementary Treaty on Extradition between the United States of America and the Czech Republic, signed at Prague on May 16, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF DENMARK

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Extradition between the United States of America and the Kingdom of Denmark signed June 22, 1972, signed at Copenhagen on June 23, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL TO THE EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF FINLAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol to the Extradition Treaty between the United States of America and Finland signed June 11, 1976, signed at Brussels on December 16, 2004 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND FRANCE

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3, paragraph 2, of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between United States of America and France signed April 23, 1996, signed at The Hague on September 30, 2004 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

SECOND SUPPLEMENTARY TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Second Supplementary Treaty to the Treaty between the United States of America and the Federal Republic of Germany Concerning Extradition, signed at Washington on April 18, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL TO THE TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE HELLENIC REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty on Extradition between the United States of America and the Hellenic Republic, signed May 6, 1931, and the Protocol thereto signed September 2, 1937, as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union, signed June 25, 2003, signed at Washington on January 18, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL TO THE TREATY ON EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF HUNGARY

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Republic of Hungary on Extradition signed December 1, 1994, as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union, signed June 25, 2003, signed at Budapest on November 15, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND IRELAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Extradition between the United States of America and Ireland signed July 13, 1983, signed at Dublin on July 14, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE ITALIAN REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the Government of the United States of America and the Government of the Italian Republic signed October 13, 1983, signed at Rome on May 3, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE SLOVAK REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument on Extradition between the United States of America and the Slovak Republic, as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, signed at Bratislava on February 6, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF SLOVENIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Agreement between the Government of the United States of America and the Government of the Republic of Slovenia comprising the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the Application of the Treaty on Extradition between the United States and the Kingdom of Serbia, signed October 25, 1901, signed at Ljubljana on October 17, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SPAIN

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Extradition between the United States of America and Spain signed May 29, 1970, and the Supplementary Treaties on Extradition signed January 25, 1975, February 9, 1988 and March 12, 1996, signed at Madrid on December 17, 2004 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND KINGDOM OF SWEDEN

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Convention on Extradition between the United States of America and Sweden signed October 24, 1961 and the Supplementary Convention on Extradition between the United States of America and the Kingdom of Sweden signed March 14, 1983, signed at Brussels on December 16, 2004 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the Government of the United States and the Government of the United Kingdom of Great Britain and Northern Ireland signed March 31, 2003, signed at London on December 16, 2004, with a related exchange of notes signed the same date (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE GRAND DUCHY OF LUXEMBOURG

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3, paragraph 2 (a) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, as to the application of the Extradition Treaty between the Government of the United states of America and the Government of the Grand Duchy of Luxembourg signed October 1, 1996, signed at Washington on February 1, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF THE NETHERLANDS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Agreement comprising the Instrument as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed at Washington on June 25, 2003, as to the application of the Extradition Treaty between the United States of America and the Kingdom of the Netherlands signed at The Hague on June 24, 1980, signed at The Hague on September 29, 2004, with a related exchange of notes signed the same date (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF POLAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Agreement between the United states of America and the Republic of Poland on the application of the Extradition Treaty between the United States of America and the Republic of Poland signed July 10, 1996, pursuant to Article 3(2) of the Agreement on Extradition between the United States of America and the European Union signed at Washington June 25, 2003, signed at Warsaw on June 9, 2006 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE PORTUGUESE REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument between the United States of America and the Portuguese Republic as contemplated by Article 3 (2) of the Agreement on Extradition between the United States of America and the European Union signed June 25, 2003, signed at Washington on July 14, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LATVIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Latvia, signed at Riga on December 7, 2005 (Treaty Doc. 109–15), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL TO THE EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LITHUANIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol on the application of the Agreement on Extradition between the United States of America and the European Union to the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Lithuania, signed at Brussels on June 15, 2005 (Treaty Doc. 109–14), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF ESTONIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Estonia, signed at Tallinn on February 8, 2006 (Treaty Doc. 109–16), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND MALTA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of Malta, signed at Valletta on May 18, 2006, with a related exchange of letters signed the same date (Treaty Doc. 109–17), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND ROMANIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Extradition Treaty between the United States of America and Romania, signed at Bucharest on September 10, 2007 (Treaty Doc. 110–11), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL TO THE TREATY ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND ROMANIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty between the United States of America and Romania on Mutual Legal Assistance in Criminal Matters signed in Washington on May 26, 1999, signed at Bucharest on September 10, 2007 (Treaty Doc. 110–11), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

EXTRADITION TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF BULGARIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of Bulgaria, signed at Sofia on September 19, 2007 (Treaty Doc. 110–12), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

AGREEMENT ON CERTAIN ASPECTS OF MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF BULGARIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Agreement on Certain Aspects of Mutual Legal Assistance in Criminal Matters between the Government of the United States of America and the Government of the Republic of Bulgaria, signed at Sofia on September 19, 2007 (Treaty Doc. 110–12), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

AGREEMENT ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND THE EUROPEAN UNION

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Agreement on Mutual Legal Assistance between the United States of America and the European Union, signed at Washington on June 25, 2003, with a related Explanatory Note (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE PROTOCOL BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF AUSTRIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Republic of Austria on Mutual Legal Assistance Matters signed February 23, 1995, as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Vienna on July 20, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF BELGIUM

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the United States of America and the Kingdom of Belgium on Mutual Legal Assistance in Criminal Matters signed January 28, 1988, signed at Brussels on December 16, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CYPRUS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the Republic of Cyprus on Mutual Legal Assistance in Criminal Matters signed December 20, 1999, signed at Nicosia on January 20, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

SUPPLEMENTARY TREATY ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN THE UNITED STATES OF AMERICA AND THE CZECH REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Supplementary Treaty on Mutual Legal Assistance in Criminal Matters between the United States of America and the Czech Republic, signed at Prague on May 16, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF DENMARK

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument between the Kingdom of Denmark and the United States of America as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Copenhagen on June 23, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF ESTONIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the Republic of Estonia on Mutual Legal Assistance in Criminal Matters signed April 2, 1998, signed at Tallinn on February 8, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF FINLAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Treaty on Certain Aspects of Mutual Legal Assistance in Criminal Matters between the United States of America and the Republic of Finland, signed at Brussels on December 16, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND FRANCE

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3, paragraph 2, of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Mutual Legal Assistance in Criminal Matters between the United States of America and France signed December 10, 1998, signed at The Hague on September 30, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

SUPPLEMENTARY TREATY ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Supplementary Treaty to the Treaty between the United States of America and the Federal Republic of Germany on Mutual Legal Assistance in Criminal Matters, signed at Washington on April 18, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND THE HELLENIC REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Hellenic Republic on Mutual Legal Assistance in Criminal Matters, signed May 26, 1999, as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union, signed June 25, 2003, signed at Washington on January 18, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

PROTOCOL ON MUTUAL LEGAL ASSISTANCE BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF HUNGARY

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Republic of Hungary on Mutual Legal Assistance in Criminal Matters signed December 1, 1994, as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Budapest on November 15, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND IRELAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of Ireland on Mutual Legal Assistance in Criminal Matters signed January 18, 2001, signed at Dublin on July 14, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE ITALIAN REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the United States of America and the Italian Republic on Mutual Assistance in Criminal Matters signed November 9, 1982, signed at Rome on May 3, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE PROTOCOL BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LATVIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol to the Treaty between the Government of the United States of America and the Government of the Republic of Latvia on Mutual Legal Assistance in Criminal Matters, signed at Riga on December 7, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE PROTOCOL BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF LITHUANIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Protocol on the application of the Agreement on Mutual Legal Assistance between the United States of America and the European Union to the Treaty between the Government of the United States of America and the Government of the Republic of Lithuania on Mutual Legal Assistance in Criminal Matters, signed at Brussels on June 15, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE GRAND DUCHY OF LUXEMBOURG

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3, paragraph 2(a) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg on Mutual Legal Assistance in Criminal Matters signed March 13, 1997, signed at Washington on February 1, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE TREATY BETWEEN THE UNITED STATES OF AMERICA AND MALTA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Treaty on Certain Aspects of Mutual Legal Assistance in Criminal Matters between the Government of the United States of America and the Government of Malta, signed at Valletta on May 18, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF THE NETHERLANDS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Agreement comprising the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed at Washington on June 25, 2003, as to the application of the Treaty between the United States of America and the Kingdom of the Netherlands on Mutual Assistance in Criminal Matters signed at The Hague on June 12, 1981, signed at The Hague on September 29, 2004, with a related exchange of notes signed the same date (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF POLAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Agreement between the United States of America and the Republic of Poland on the Application of the Treaty between the United States of America and the Republic of Poland on Mutual Legal Assistance in Criminal Matters signed July 10, 1996, pursuant to Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed at Washington June 25, 2003, signed at Warsaw on June 9, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE PORTUGUESE REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice And Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument between the United States of America and the Portuguese Republic as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Washington on July 14, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE SLOVAK REPUBLIC

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument between the United States of America and the Slovak Republic, as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, signed at Bratislava on February 6, 2006 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF SLOVENIA

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Agreement between the Government of the United States of America and the Government of the Republic of Slovenia comprising the Instrument as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed at Washington on June 25, 2003, signed at Ljubljana on October 17, 2005 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SPAIN

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty on Mutual Legal Assistance in Criminal Matters between the United States of America and the Kingdom of Spain signed November 20, 1990, signed at Madrid on December 17, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SWEDEN

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the Kingdom of Sweden on Mutual Legal Assistance in Criminal Matters signed December 17, 2001, signed at Brussels on December 16, 2004 (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

MUTUAL LEGAL ASSISTANCE INSTRUMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Instrument as contemplated by Article 3(2) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed June 25, 2003, as to the application of the Treaty between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland on Mutual Legal Assistance in Criminal Matters signed January 6, 1994, signed at London on December 16, 2004, with a related exchange of notes signed the same date (Treaty Doc. 109–13), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE KINGDOM OF SWEDEN ON MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Treaty between the Government of the United States of America and

the Government of the Kingdom of Sweden on Mutual Legal Assistance in Criminal Matters, signed at Stockholm on December 17, 2001 (Treaty Doc. 107–12), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Treaty between the United States of America and Malaysia on Mutual Legal Assistance in Criminal Matters, signed at Kuala Lumpur on July 28, 2006 (Treaty Doc. 109–22), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing.

CCW PROTOCOL ON INCENDIARY WEAPONS (PROTOCOL III)

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Reservation, an Understanding, and a Declaration.

The Senate advises and consents to the ratification of the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (Protocol III), adopted at Geneva on October 10, 1980 (Treaty Doc. 105–1(B)), subject to the reservation of section 2, the understanding of section 3, and the declaration of section 4.

Section 2. Reservation.

The advice and consent of the Senate under section 1 is subject to the following reservation, which shall be included in the instrument of ratification:

The United States of America, with reference to Article 2, paragraphs 2 and 3, reserves the right to use incendiary weapons against military objectives located in concentrations of civilians where it is judged that such use would cause fewer casualties and/or less collateral damage than alternative weapons, but in so doing will take all feasible precautions with a view to limiting the incendiary effects to the military objective and to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.

Section 3. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

It is the understanding of the United States of America that any decision by any military commander, military personnel, or any other person responsible for planning, authorizing or executing military action shall only be judged on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken.

Section 4. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Protocol is self-executing. This Protocol does not confer private rights enforceable in United States courts.

CCW PROTOCOL ON BLINDING LASER WEAPONS (PROTOCOL IV)

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to an Understanding and a Declaration.

The Senate advises and consents to the ratification of the Protocol on Blinding Laser Weapons to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (Protocol IV), adopted at Vienna on October 13, 1995 (Treaty Doc. 105–1(C)), subject to the understanding of section 2 and the declaration of section 3.

Section 2. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

It is the understanding of the United States of America with respect to Article 2 that any decision by any military commander, military personnel, or any other person responsible for planning, authorizing or executing military action shall only be judged on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed. the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Protocol is self-executing. This Protocol does not confer private rights enforceable in United States courts.

CCW PROTOCOL ON EXPLOSIVE REMNANTS OF WAR (PROTOCOL V)

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to an Understanding and a Declaration.

The Senate advises and consents to the ratification of the Protocol on Explosive Remnants of War to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (Protocol V), adopted at Geneva on November 28, 2003 (Treaty Doc. 109–10(C)), subject to the understanding of section 2 and the declaration of section 3.

Section 2. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

It is the understanding of the United States of America that nothing in Protocol V would preclude future arrangements in connection with the settlement of armed conflicts, or assistance connected thereto, to allocate responsibilities under Article 3 in a manner that respects the essential spirit and purpose of Protocol V.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

With the exception of Articles 7 and 8, this Protocol is self-executing. This Protocol does not confer private rights enforceable in United States courts.

CCW AMENDMENT TO ARTICLE 1

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Amendment to Article 1 of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, adopted at Geneva on December 21, 2001 (Treaty Doc. 109–10(B)), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is self-executing. This Treaty does not confer private rights enforceable in United States courts.

1992 PARTIAL REVISION OF THE RADIO REGULATIONS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Reservations and Declarations.

The Senate advises and consents to the ratification of the 1992 Partial Revision of the Radio Regulations (Geneva, 1979), with appendices, signed by the United States at Malaga-Torremolinos on March 3, 1992, as contained in the Final Acts of the World Administrative Radio Conference for Dealing with Frequency Allocations in Certain Parts of the Spectrum (WARC 0992) (the ''1992 Final Acts'') (Treaty Doc. 107–17), subject to declarations and reservations Nos. 67, 79, and 80 of the 1992 Final Acts and the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is not self-executing.

1995 REVISION OF THE RADIO REGULATIONS

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Reservations and Declarations.

The Senate advises and consents to the ratification of the 1995 Revision of the Radio Regulations, with appendices, signed by the United States at Geneva on November 17, 1995, as contained in the Final Acts of the World Radiocommunication Conference (WRC 0995) (the ''1995 Final Acts'') (Treaty Doc. 108–28), subject to declarations and reservations Nos. 67(3), 68, 78, and 82 of the 1995 Final Acts and the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Treaty is not self-executing.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Declarations.

The Senate advises and consents to the ratification of the Protocol Concerning Pollution from Land-Based Sources and Activities to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, with Annexes, done at Oranjestad, Aruba, on October 6, 1999 (Treaty Doc. 110–1), subject to the declaration of section 2 and the declaration of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the instrument of ratification:

In accordance with Article XVIII, the United States of America declares that, with respect to the United States of America, any new annexes to the Protocol shall enter into force only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Protocol is not self-executing.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Reservation, Understandings, and a Declaration.

The Senate advises and consents to the ratification of the International Convention for the Suppression of Acts of Nuclear Terrorism, adopted on April 13, 2005, and signed on behalf of the United States of America on September 14, 2005 (the ''Convention'') (Treaty Doc. 110–4), subject to the reservation of section 2, the understandings of section 3, and the declaration of section 4.

Section 2. Reservation.

The advice and consent of the Senate under section 1 is subject to the following reservation, which shall be included in the instrument of ratification:

Pursuant to Article 23(2) of the Convention, the United States of America declares that it does not consider itself bound by Article 23(1) of the Convention.

Section 3. Understandings.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the instrument of ratification:

(1) The United States of America understands that the term ''armed conflict'' in Article 4 of the Convention does not include situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

(2) The United States of America understands that the term ''international humanitarian law'' in Article 4 of the Convention has the same substantive meaning as the law of war.

(3) The United States of America understands that, pursuant to Article 4 and Article 1 (6), the Convention does not apply to: (a) the military forces of a State, which are the armed forces of a State organized, trained, and equipped under its internal law for the primary purpose of national defense or security, in the exercise of their official duties; (b) civilians who direct or organize the official activities of military forces of a State; or (c) civilians acting in support of the official activities of the military forces of a State, if the civilians are under the formal command, control, and responsibility of those forces.

(4) The United States of America understands that current United States law with respect to the rights of persons in custody and persons charged with crimes fulfills the requirement in Article 12 of the Convention and, accordingly, the United States does not intend to enact new legislation to fulfill its obligations under this Article.

Section 4. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

With the exception of the provisions that obligate the United States to criminalize certain offenses, make those offenses punishable by appropriate penalties, and authorize the assertion of jurisdiction over such offenses, this Convention is self-executing. Included among the self-executing provisions are those provisions obligating the United States to treat certain offenses as extraditable offenses for purposes of bilateral extradition treaties. None of the provisions in the Convention, including Articles 10 and 12, confer private rights enforceable in United States courts.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Declarations and an Understanding.

The Senate advises and consents to the ratification of the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, done in London on November 7, 1996 (Treaty Doc. 110–5), subject to the declaration of section 2, the understanding of section 3, and the declaration of section 4.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the instrument of ratification:

The United States of America declares that, pursuant to Article 16(5), when it is a party to a dispute about the interpretation or application of Article 3(1) or 3(2) of this Protocol, its consent shall be required before the dispute may be settled by means of the Arbitral Procedure set forth in Annex 3 of the Protocol.

Section 3. Understanding.

The advice and consent of the Senate under section 1 is subject to the following understanding, which shall be included in the instrument of ratification:

The United States of America understands that, in light of Article 10(4) of the Protocol, which provides that the Protocol ''shall not apply to those vessels and aircraft entitled to sovereign immunity under international law,'' disputes regarding the interpretation or application of the Protocol in relation to such vessels and aircraft are not subject to Article 16 of the Protocol.

Section 4. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Protocol is not self-executing.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Two Declarations.

The Senate advises and consents to the ratification of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, adopted on October 5, 2001 (Treaty Doc. 110–13), subject to the declaration of section 2 and the declaration of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the instrument of ratification:

The United States of America declares that, pursuant to Article 16(2)(f)(ii)(3) of the Convention, amendments to Annex 1 of the Convention shall enter into force for the United States of America only after notification to the Secretary-General of its acceptance with respect to such amendments.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Convention is not self-executing.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration and a Condition.

The Senate advises and consents to the ratification of the Protocol Amending the Convention between the United States of America and Canada with Respect to Taxes on Income and on Capital done at Washington on September 26, 1980, as Amended by the Protocols done on June 14, 1983, March 28, 1984, March 17, 1995, and July 29, 1997, signed on September 21, 2007, at Chelsea (the ''Protocol'') (Treaty Doc. 110–15), subject to the declaration of section 2 and the condition of section 3.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Convention is self-executing.

Section 3. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition:

Report.

1. Not later than two years from the date on which this Protocol enters into force and prior to the first arbitration conducted pursuant to the binding arbitration mechanism provided for in this Protocol, the Secretary of Treasury shall transmit the text of the rules of procedure applicable to arbitration boards, including conflict of interest rules to be applied to members of the arbitration board, to the committees on Finance and Foreign Relations of the Senate and the Joint Committee on Taxation.

The Secretary of Treasury shall also, prior to the first arbitration conducted pursuant to the binding arbitration mechanism provided for in the 2006 Protocol Amending the Convention between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital and to Certain Other Taxes (the ''2006 German Protocol'') (Treaty Doc. 109 0920) and the Convention between the Government of the United States of America and the Government of the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and accompanying protocol (the ''Belgium Convention'') (Treaty Doc. 110 093), transmit the text of the rules of procedure applicable to the first arbitration board agreed to under each treaty to the committees on Finance and Foreign Relations of the Senate and the Joint Committee on Taxation.

2. 60 days after a determination has been reached by an arbitration board in the tenth arbitration proceeding conducted pursuant to either this Protocol, the 2006 German Protocol, or the Belgium Convention, the Secretary of Treasury shall prepare and submit a detailed report to the Joint Committee on Taxation and the Committee on Finance of the Senate, subject to law relating to taxpayer confidentiality, regarding the operation and application of the arbitration mechanism contained in the aforementioned treaties. The report shall include the following information:

I. The aggregate number, for each treaty, of cases pending on the respective dates of entry into force of this Protocol, the 2006 German Protocol, or the Belgium Convention, along with the following additional information regarding these cases:

a. The number of such cases by treaty article(s) at issue;

b. The number of such cases that have been resolved by the competent authorities through a mutual agreement as of the date of the report; and

c. The number of such cases for which arbitration proceedings have commenced as of the date of the report.

II. A list of every case presented to the competent authorities after the entry into force of this Protocol, the 2006 German Protocol, or the Belgium Convention, with the following information regarding each and every case:

a. The commencement date of the case for purposes of determining when arbitration is available;

b. Whether the adjustment triggering the case, if any, was made by the United States or the relevant treaty partner and which competent authority initiated the case;

c. Which treaty the case relates to;

d. The treaty article(s) at issue in the case;

e. The date the case was resolved by the competent authorities through a mutual agreement, if so resolved;

f. The date on which an arbitration proceeding commenced, if an arbitration proceeding commenced; and

g. The date on which a determination was reached by the arbitration board, if a determination was reached, and an indication as to whether the board found in favor of the United States or the relevant treaty partner.

III. With respect to each dispute submitted to arbitration and for which a determination was reached by the arbitration board pursuant to this Protocol, the 2006 German Protocol, or the Belgium Convention, the following information shall be included:

a. An indication as to whether the determination of the arbitration board was accepted by each concerned person;

b. The amount of income, expense, or taxation at issue in the case as determined by reference to the filings that were sufficient to set the commencement date of the case for purposes of determining when arbitration is available; and

c. The proposed resolutions (income, expense, or taxation) submitted by each competent authority to the arbitration board.

3. The Secretary of Treasury shall, in addition, prepare and submit the detailed report described in paragraph (2) on March 1 of the year following the year in which the first report is submitted to the Joint Committee on Taxation and the Committee on Finance of the Senate, and on an annual basis thereafter for a period of five years. In each such report, disputes that were resolved, either by a mutual agreement between the relevant competent authorities or by a determination of an arbitration board, and noted as such in prior reports may be omitted.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Convention between the Government of the United States of America and the Government of Iceland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and accompanying Protocol, signed at Washington on October 23, 2007 (Treaty Doc. 110–17), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Convention is self-executing.

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to a Declaration.

The Senate advises and consents to the ratification of the Convention between the Government of the United States of America and the Government of the Republic of Bulgaria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, with accompanying Protocol, signed at Washington on February 23, 2007, as well as the Protocol Amending the Convention between the Government of the United States of America and the Government of the Republic of Bulgaria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Sofia on February 26, 2008 (Treaty Doc. 110–18), subject to the declaration of section 2.

Section 2. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration:

This Convention is self-executing.

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. VOINOVICH (for himself, Mr. INHOFE, Mr. ISAKSON, Mr. BOND, and Mr. CHAMBLISS):

S. 3469. A bill to provide that the Clean Air Interstate Rule shall remain in full force and effect; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself and Mr. ENSIGN):

S. 3470. A bill to require United States Government representatives to present to the Government of Iraq a plan to establish an oil trust; to the Committee on Foreign Relations.

By Mr. DEMINT (for himself, Mrs. DOLE, and Mr. THUNE):

S. 3471. A bill to prohibit government-sponsored enterprises from making lobbying expenditures, political contributions, or other certain contributions; to the Committee on Homeland Security and Governmental Affairs.

By Mr. FEINGOLD:

S. 3472. A bill to amend the Farm Security and Rural Investment Act of 2002 to further the adoption of technologies developed by the Department of Agriculture, to encourage small business partnerships in the development of energy through biorefineries, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KYL:

S. 3473. A bill to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes; to the Committee on Indian Affairs.

By Mr. CARPER (for himself and Mr. LIEBERMAN):

S. 3474. A bill to amend title 44, United States Code, to enhance information security of the Federal Government, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LAUTENBERG (for himself and Mrs. BOXER):

S. 3475. A bill to amend the Federal Food, Drug, and Cosmetic Act to require manufacturers of bottled water to submit annual reports, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HAGEL (for himself and Mr. BINGAMAN):

S. 3476. A bill to amend the Public Health Service Act to improve the Nation's surveillance and reporting for diseases and conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER (for himself and Mr. WEBB):

S. 3477. A bill to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 3478. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the production of energy, to provide transportation and domestic fuel security, and to provide incentives for energy conservation and energy efficiency, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself, Mr. COCHRAN, and Mr. KENNEDY):

S. 3479. A bill to amend the National and Community Service Act of 1990 to establish a Semester of Service grant program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Mr. COCHRAN, and Mr. KENNEDY):

S. 3480. A bill to amend the National and Community Service Act of 1990 to establish Encore Service Programs, Encore Fellowship Programs, and Silver Scholarship Programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 3481. A bill to amend the Internal Revenue Code of 1986 to provide a temporary increase in the new qualified hybrid motor vehicle credit for school buses; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 3482. A bill to designate a portion of the Rappahannock River in the Commonwealth of Virginia as the ''John W. Warner Rapids''; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOND (for himself, Mr. ROCKEFELLER, and Mr. WHITEHOUSE):

S. Res. 655. A resolution to improve congressional oversight of the intelligence activities of the United States; to the Committee on Rules and Administration.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 656. A resolution expressing the sense of the Senate regarding the terrorist attacks committed against the United States of America on September 11, 2001; considered and agreed to.

ADDITIONAL COSPONSORS

S. 394

At the request of Mr. AKAKA, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane

slaughter of nonambulatory livestock, and for other purposes.

S. 714

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 766

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 766, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 826

At the request of Mr. MENENDEZ, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Michigan (Ms. STABENOW) 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. 921

At the request of Mrs. LINCOLN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 921, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1070

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1070, a bill 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, and for other purposes.

S. 1181

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 1181, a bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation.

S. 1328

At the request of Mr. LEAHY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1430

At the request of Mr. REID, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1556

At the request of Mr. SMITH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1780

At the request of Mr. ROCKEFELLER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1780, a bill to require the FCC, in enforcing its regulations concerning the broadcast of indecent programming, to maintain a policy that a single word or image may be considered indecent.

S. 2020

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2020, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the ''Tropical Forest and Coral Conservation Act of 2007'', and for other purposes.

S. 2140

At the request of Mr. DORGAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2161

At the request of Mr. ISAKSON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2161, a bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act.

S. 2504

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2760

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2998

At the request of Mr. NELSON of Florida, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors 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. 3040

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3040, a bill to amend the Toxic Substances Control Act to reduce the exposure of children, workers, and consumers to toxic chemical substances.

S. 3077

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of S. 3077, a bill to strengthen transparency and accountability in Federal spending.

S. 3237

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3237, a bill to assist volunteer fire companies in coping with the precipitous rise in fuel prices.

S. 3256

At the request of Mrs. BOXER, the name of the Senator from Michigan

(Ms. STABENOW) was added as a cosponsor of S. 3256, a bill to provide a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes.

S. 3325

At the request of Mr. LEAHY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3325, a bill to enhance remedies for violations of intellectual property laws, and for other purposes.

S. 3331

At the request of Mr. BAUCUS, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 3331, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 3334

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3334, a bill to strengthen communities through English literacy, civic education, and immigrant integration programs.

S. 3356

At the request of Mr. CHAMBLISS, the names of the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3356, a bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center.

S. 3362

At the request of Mr. KERRY, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 3362, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

S. 3380

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3380, a bill to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes.

S. 3389

At the request of Mr. SCHUMER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3389, a bill to require, for the benefit of shareholders, the disclosure of payments to foreign governments for the extraction of natural resources, to allow such shareholders more appropriately to determine associated risks.

S. 3399

At the request of Mrs. LINCOLN, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 3399, a bill to amend the Internal Revenue Code of 1986 to make permanent the reduction in the rate of tax on qualified timber gain of corporations, and for other purposes.

S. 3406

At the request of Mr. HARKIN, the names of the Senator from Indiana (Mr. BAYH), the Senator from Montana (Mr. BAUCUS), the Senator from North Dakota (Mr. DORGAN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Delaware (Mr. CARPER) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 3406, a bill to restore the intent and protections of the Americans with Disabilities Act of 1990.

S. 3429

At the request of Mr. SCHUMER, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Michigan (Ms. STABENOW) 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. 3439

At the request of Mr. SALAZAR, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 3439, a bill to provide for duty free treatment of certain recreational performance outerwear, and for other purposes.

S. 3465

At the request of Mr. WICKER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of 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.

S. 3467

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 3467, a bill to extend through April 1, 2009, the MinnesotaCare Medicaid demonstration project.

S. CON. RES. 93

At the request of Mr. DORGAN, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Con. Res. 93, a concurrent resolution supporting the goals and ideals of ''National Sudden Cardiac Arrest Awareness Month''.

S. RES. 598

At the request of Mr. LUGAR, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. Res. 598, a resolution expressing the sense of the Senate regarding the need for the United States to lead renewed international efforts to assist developing nations in conserving natural resources and preventing the impending extinction of a large portion of the world's plant and animal species.

S. RES. 616

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 616, a resolution reducing maternal mortality both at home and abroad.

AMENDMENT NO. 5063

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 5063 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. 5266

At the request of Mr. REID, the name of the Senator from Delaware (Mr. BIDEN) 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 Indiana (Mr. BAYH) 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. 5299

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 5299 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. 5300

At the request of Mr. SCHUMER, his name was added as a cosponsor of amendment No. 5300 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 names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Arkansas (Mrs. LINCOLN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors 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. SCHUMER, 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. 5327

At the request of Mr. CHAMBLISS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 5327 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. 5339

At the request of Mr. ALEXANDER, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 5339 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. 5347

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 5347 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. 5369

At the request of Mr. WHITEHOUSE, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of amendment No. 5369 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. 5371

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 5371 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. 5374

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of amendment No. 5374 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. 5385

At the request of Mr. MENENDEZ, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Mr. CARDIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 5385 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. 5406

At the request of Mr. LEAHY, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of amendment No. 5406 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. 5409

At the request of Mr. BROWN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 5409 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. 5410

At the request of Mr. HARKIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 5410 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. 5412

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 5412 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. 5422

At the request of Mr. BAYH, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Michigan (Ms. STABENOW), the Senator from Pennsylvania (Mr. CASEY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Illinois (Mr. DURBIN), the Senator from Vermont (Mr. SANDERS) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 5422 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. 5439

At the request of Mrs. MCCASKILL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 5439 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. 5441

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 5441 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 3472. A bill to amend the Farm Security and Rural Investment Act of

2002 to further the adoption of technologies developed by the Department of Agriculture, to encourage small business partnerships in the development of energy through biorefineries, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, today I am introducing the Energy and Technology Advancement, ETA, Act of 2008. At its heart, this bill will increase partnerships between the Federal Government and businesses to help spur the commercialization of energy, forestry, and other technologies—in other words, to increase the ETA, or estimated time of arrival, for bringing new technologies to market.

This bill is among the bills I have introduced this week as part of my E4 Initiative, dubbed E4 because of its focus on Economy, Employment, Education, and Energy.

Particularly in the area of energy, we must do more to make new energy solutions, like next generation biofuels, a reality. My bill will help make the Federal Government a better business partner for the many businesses that are researching and developing innovative technology solutions our country needs. We are squandering the Federal investment of billions into research and development by not doing enough to prevent new technologies from sitting on the shelf or being shipped to another country. Helping these new energy technologies get off the ground is not only a promising way to develop the next generation of energy technology that will help break our addiction to oil, it will also help to spur job creation and enhance rural development.

One obstacle identified by the Forest Service's Wisconsin-based Forest Products Lab which conducts forestry and energy technology research with businesses and others, is lack of Federal support for moving technologies from the research and development phase to commercialization. My bill will bridge this gap by authorizing the U.S. Department of Agriculture, USDA, which includes the Forest Service, to work with businesses and provide access to resources to assist with getting technologies to market.

By encouraging the USDA to act as a ''business incubator,'' we can increase the rate of success and reduce the length of time for bringing technologies to the market. By providing a bridge to move new technologies beyond the research and development phase to commercialization, the Federal Government will accelerate the development of new technologies and create increased opportunities for small businesses, local and State government, and others.

All energy, forestry, and other technologies will benefit from my ETA Act because it will help new technologies come to the market. It does so by promoting the Federal Government as a better business incubator, encouraging the USDA to provide business support services, and authorizing USDA employees and private-sector employees to work together in Federal or private experimental or product facilities. My bill will also increase cooperation between the Federal Government and innovative businesses by encouraging the USDA to allow rental of Federal equipment and property for the development-of new technology. The cost of the legislation is fully offset so as to not increase the Federal deficit.

Lastly, a specific partnership encouraged by my Energy and Technology Advancement Act will spur the commercialization of biofuels. My bill requires the USDA to pursue a biorefinery pilot plant that will allow businesses to partner with the Federal Government to test various biofuels technologies derived from a variety of feedstocks, including woody and agriculture waste.

Certainly one of today's greatest challenges—energy—is also one of tomorrow's greatest opportunities. Today, the transportation sector accounts for 70 percent of our oil consumption. However, there are promising efforts to significantly lessen our dependence on oil by reducing fuel consumption through increased efficiency and by aggressively pursuing renewable fuels, or biofuels. The commercialization of biofuels will also create job opportunities, support rural development and industries such as forestry, and develop the next generation of fuels that are sustainable and from diverse sources.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3472

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Energy and Technology Advancement Act of 2008''.

SEC. 2. FEDERAL ENERGY AND FORESTRY BUSINESS ASSISTANCE.

Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is amended by adding at the end the following:

''SEC. 9014. FEDERAL ENERGY AND FORESTRY BUSINESS ASSISTANCE.

''(a) SUPPORT FOR BUSINESS INCUBATORS.—

''(1) DEFINITIONS.—In this subsection:

''(A) BUSINESS INCUBATOR.—The term 'business incubator' means the programs and assistance designed to accelerate the successful development of new or existing small businesses through an array of support resources and services, developed and managed by the Secretary.

''(B) DEPARTMENT.—The term 'Department' means the Department of Agriculture.

''(2) DUTY OF SECRETARY.—To further the adoption of technologies developed by the Department, the Secretary shall establish criteria and procedures to facilitate and encourage businesses and other organizations—

''(A) to rent equipment and property owned by the Federal Government for the development of new and improved products and processes (including the production of reasonable quantities of product for sale);

''(B) to authorize employees of the Department and employees of the private sector to work together in experimental or production facilities owned by—

''(i) the Federal Government; or

''(ii) a private entity;

''(C) to provide business support services to start-up and small businesses; and

''(D) to enter into cooperative agreements with Indian tribes, States, counties, institutions of higher education, and other educational and governmental units to support business incubators for businesses that use technologies and products of interest to the Secretary.

''(b) ESTABLISHMENT OF BIOREFINERY PILOT PLANT.—

''(1) DUTY OF SECRETARY.—Not later than 90 days after the date of enactment of this section, in accordance with paragraph (2), the Secretary shall submit to the appropriate committees of Congress a plan for the development and construction of a biorefinery pilot plant.

''(2) COST ESTIMATES.—The Secretary shall include in the plan described in paragraph (1) a comprehensive estimate of each cost relating to the development and construction of the biorefinery pilot plant that is the subject of the plan.

''(3) DESIGN REQUIREMENTS.—The biorefinery pilot plant that is the subject of the plan described in paragraph (1) shall be designed to enable the plant—

''(A) to produce liquid fuels from woody, agricultural, and other biomass—

''(i) in a flexible, multi-bioproduct manner;

''(ii) in a sustainable manner that addresses life-cycle inputs and outputs; and

''(iii) in quantities sufficient—

''(I) to provide proof of process; and

''(II) to allow for business incubator and support services described in subsection (a); and

''(B) to employ, at a minimum, thermochemical and biochemical conversion processes in the production of liquid fuels.

''(c) FUNDING.—Of the amounts made available to the Secretary for programmatic and administrative expenditures, the Secretary shall use such sums as are necessary to carry out this section.''.

By Mr. KYL:

S. 3473. A bill to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes; to the Committee on Indian Affairs.

Mr. KYL. Mr. President, today I am pleased to introduce the White Mountain Apache Tribe Water Rights Quantification Act of 2008. This legislation would authorize, confirm, and ratify the White Mountain Apache Tribe Water Rights Quantification Agreement and authorize funding for a key drinking water project on the tribe's reservation. The White Mountain Apache Tribe and the water users and providers of Arizona have waited a long time for this day. In fact, the legislation I am introducing today is the product of nearly 3 years of negotiation and the tremendous work of the settlement parties.

On behalf of the tribe, the U.S. filed substantial claims to water in the Gila River and Little Colorado River General Stream adjudications in Arizona. Absent a settlement, resolution of these claims would take many years,

entail great expense, prolong uncertainty concerning the availability of water supplies, and seriously impair the long-term economic well-being of all of the parties to the settlement. Specifically, without a settlement, the tribe's claims could impact water users in the Salt River system, a major water source within the State of Arizona.

Within the last few days, the representatives of the non-federal water settlement parties have indicated that a settlement is nearly finalized. The parties' representatives have expressed their written support for the settlement and have indicated that they will be submitting the settlement to their respective governing bodies for review and action.

Under the settlement agreement, the tribe would have a right to a total annual diversion water right of 99,000 acre-feet per year through a combination of surface water and Central Arizona Project water sources. The legislation would confirm, authorize, and ratify the parties' settlement and provide federal funding for a desperately needed drinking water project on the tribe's reservation—the Miner Flat Project.

Currently, a relatively small well field serves the drinking water needs of the majority of the residents on the reservation, but production from the wells has declined significantly over the last few years. As a result, the tribe has experienced summer drinking water shortages. The tribe is planning to construct a small Rural Development funded diversion project on the North Fork of the White River on its reservation this year. It indicates that when the project is completed it will replace most of the lost production from the existing well field, but will not produce enough water to meet the demand of the tribe's growing population. The Miner Flat Project would provide a longterm solution for the tribe's drinking water shortages.

Consequently, not only would the legislation I have introduced today provide certainty to water users in the State of Arizona regarding their future water supplies, it would provide the tribe with a long-term reliable source of drinking water. Therefore, I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

CENTRAL ARIZONA PROJECT,
Phoenix, AZ, September 4, 2008.

Hon. JON KYL,
U.S. Senate, Hart Building,
Washington, DC.

DEAR SENATOR KYL: I am writing as counsel for the Central Arizona Water Conservation District regarding legislation to authorize a settlement of the water rights claims of the White Mountain Apache Tribe. As you know, my staff and I have been personally involved in the negotiations to settle the water rights claims of the Tribe. My staff and I have had the opportunity to review the most recent drafts of the authorizing legislation and the settlement agreement and we intend to recommend approval of the settlement to our governing Board. In our judgment, the proposed settlement is consistent with the Arizona Water Settlements Act and represents an important step forward in Arizona's efforts to resolve outstanding Indian water rights claims. We look forward to continuing to work with you and the other members of the Arizona congressional delegation in bringing this important settlement to fruition.

Sincerely,

DOUGLAS K. MILLER,
General Counsel, CAWCD.

AUGUST 29, 2008.

Senator JON KYL,
East Camelback Road,
Phoenix, AZ.

DEAR SENATOR KYL: We the undersigned representatives of parties to the White Mountain Apache Tribe Quantification Agreement have reviewed the attached Quantification Agreement, Exhibits, and accompanying draft legislation (''Settlement Documents''). Based upon our participation in the negotiations and/or our review of the attached Settlement Documents, we, at this time, intend to express our support for the Settlement Documents and plan to submit them for our governing bodies' review and action. As of the date of this letter, we are not aware of any reason why our governing bodies would not support the Settlement Documents. The governing bodies, however, must conduct a final review of the Settlement Documents and make a decision.

The Settlement Documents may be revised as agreed upon by the parties. We understand that authorizations for appropriations included within the draft legislation are still subject to agreement between you and the White Mountain Apache Tribe.

Signed by 17 representatives of parties to the White Mountain Apache Tribe Quantification Agreement.

By Mr. CARPER (for himself and Mr. LIEBERMAN):

S. 3474. A bill to amend title 44, United States Code, to enhance information security of the Federal Government, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr. President, I rise today with my colleague Senator LIEBERMAN to introduce the Federal Information Security Management Act of 2008.

Although the name of the bill may not sound very exciting, let me assure you that this piece of legislation could be one of the most important pieces of legislation Congress passes this session.

Every day, massive amounts of information is transmitted across the global information infrastructure. Some of this information is routine e-mail between co-workers making lunch plans or a couple making plans for who will pick up the kids at school. Much of it, however consists of highly sensitive military and commercial secrets. As everyone can attest to, increasing global interconnectivity has greatly increased our productivity and ability to communicate. However, it has also increased our responsibility to make sure this information is protected.

The Federal Government stores within its databases some of our Nation's most critical military, economic, and commercial secrets. Great harm could be caused if it were to fall into the wrong hands. Knowing this, nation-states and criminal groups are spending a good deal of money and time trying to access it.

According to a report released back in March by the Department of Defense, the U.S. Government and our allies around the world have come under attack in the past year on a number of occasions by hackers from addresses that appear to originate from within the Chinese government. These hackers were able to compromise information systems at government agencies, defense-related think tanks, contractors, and financial institutions. Germany's domestic intelligence agency, the German Office for the Protection of the Constitution, has accused China of sponsoring these attacks ''almost daily'' in an attempt to ''intensively gather political, military, corporate-strategic and scientific information in order to bridge their technological gaps as quickly as possible.''

The threat of a nation-state cyber attack is very real. Last year in Estonia, an attack by Russian hackers was coordinated through online chat rooms and Web sites. This ''Cyber War,'' as the media called it, shut down Web sites of a number of Estonian organizations, including the Estonian parliament, banks, ministries, newspapers, and broadcasters.

But we don't have to look overseas to find threats to our information security. Sometimes, we only have to look in our own backyards. Just last year, the Veterans Affairs Department had an external hard drive stolen, exposing sensitive personal information on nearly 2 million individuals. But this isn't the only example. Not by a long shot. The Departments of Defense, Transportation, Commerce, Health and Human Services, Homeland Security, Education, Agriculture, and State have all had sensitive information compromised by current or former employees. These incidents are simply unacceptable.

The original Federal Information Security Management Act, or FISMA, came out of a recognition a few years ago of the critical importance of protecting our information systems. Since then, agencies have made extraordinary progress in implementing crucial information security measures. They should be acknowledged and congratulated for their efforts. However, I am concerned that, 5 years after the passage of FISMA, agencies may have fallen into the trap of complacency and are just checking boxes to show compliance with requirements written into a bill.

The bill Senator LIEBERMAN and I have put forward today will help address this issue. Our bill empowers Chief Information Security Officers to deny access to the agency network if proper security policies are not being

followed. If we are going to hold these hardworking individuals accountable in Congress for information security, then we should give them the authority to do so.

Our bill requires that individuals hired to be Chief Information Security Officers be qualified to monitor, detect, and respond to cyber intrusions rather than someone who spends much of their time checking boxes and filling out paperwork.

Our bill will increase collaboration and teamwork and ensure that Chief Information Security Officers continue to keep up to date on the latest technologies and security threats by establishing a Chief Information Security Officers Council. The council will be an open forum where senior officials can be open and honest about security breaches and work together to solve them. This council will be chaired by the National Cyber Security Center Director and will break down the artificial boundaries that have previously existed in cyberspace.

Our bill will also require the Department of Homeland Security to conduct an annual operational evaluation of agency networks. This evaluation will test whether those who want to cause mischief or do us harm can access our sensitive information, much like we test whether terrorists can enter our nuclear facilities or military bases. This evaluation will provide agency leadership and Congress with a better picture of where our weaknesses are and where we need to focus our attention and resources.

Most importantly, our bill will strengthen information security requirements in contracts when agencies purchase services or products from private vendors. No longer should agencies and Congress have to clean up a security mess after an incident has already happened. Instead, we need to start focusing on purchasing more secure services and products that will help prevent these intrusions from happening in the first place.

I look forward to working with my colleagues to get these important and necessary reforms enacted before it is too late. I think everyone can agree that computers, the Internet, and cutting-edge technology have greatly benefited our government and our society. But we also need to recognize that it has greatly increased the threats we face on a daily basis.

In times like these we need to accept our responsibility to protect sensitive information and be held accountable when we fail.

Mr. President, I ask unanimous consent that the text of bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3474

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 ''Federal Information Security Management Act of 2008'' or the ''FISMA Act of 2008''.

SEC. 2. DEFINITIONS.

Section 3542(b) of title 44, United States Code, is amended by adding at the end the following:

''(4) The term 'adequate security' means security commensurate with the risk and magnitude of harm resulting from the loss, misuse, or unauthorized access to or modification of information.

''(5) The term 'incident' means an occurrence that actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system or the information the system processes, stores, or transmits or that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

''(6) The term 'information infrastructure' means the underlying framework that information systems and assets rely on in processing, transmitting, receiving, or storing information electronically.''.

SEC. 3. ANNUAL INDEPENDENT AUDIT.

(a) REQUIREMENT FOR AUDIT INSTEAD OF EVALUATION.—Section 3545 of title 44, United States Code, is amended—

(1) in the section heading, by striking ''**evaluation**'' and inserting ''**audit**'' ; and

(2) in paragraphs (1) and (2) of subsection (a), by striking ''evaluation'' and inserting ''audit'' both places that term appears.

(b) ADDITIONAL SPECIFIC REQUIREMENTS FOR AUDITS.—Section 3545(a) of such title is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''subset of the agency's information systems;'' and inserting the following: ''subset of—

''(i) the information systems used or operated by the agency; and

''(ii) the information systems used, operated, or supported on behalf of the agency by a contractor of the agency, any subcontractor (at any tier) of such a contractor, or any other entity;'';

(B) in subparagraph (B), by striking ''and'' at the end;

(C) in subparagraph (C), by striking the period and inserting ''; and''; and

(D) by adding at the end the following new subparagraph:

''(D) a conclusion as to whether the agency's information security controls are effective, including an identification of any significant deficiencies identified in such controls.''; and

(2) by adding at the end the following:

''(3) Each audit under this section shall conform to generally accepted government auditing standards.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Each of the following provisions of section 3545 of title 44, United States Code, is amended by striking ''evaluation'' and inserting ''audit'' each place it appears:

(A) Subsection (b)(1).

(B) Subsection (b)(2).

(C) Subsection (c).

(D) Subsection (e)(1).

(E) Subsection (e)(2).

(2) Section 3545(d) of such title is amended to read as follows:

''(d) EXISTING INFORMATION.—The audit required by this section may include consideration of relevant audits, evaluations, reports, or other information relating to programs or practices of the applicable agency.''.

(3) Section 3545(f) of such title is amended by striking ''evaluators'' and inserting ''auditors''.

(4) Section 3545(g)(1) of such title is amended by striking ''evaluations'' and inserting ''audits''.

(5) Section 3545(g)(3) of such title is amended by striking ''Evaluations'' and inserting ''Audits''.

(6) Section 3543(a)(8)(A) of such title is amended by striking ''evaluations'' and inserting ''audits''.

(7) Section 3544(b)(5)(B) of such title is amended by striking ''a evaluation'' and inserting ''an audit, evaluation, report, or other information relating to programs or practices of the applicable agency''.

SEC. 4. CHIEF INFORMATION SECURITY OFFICER AND CHIEF INFORMATION SECURITY OFFICER COUNCIL.

(a) DELEGATIONS TO CHIEF INFORMATION SECURITY OFFICER.—Section 3544(a) of title 44, United States Code, is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''Chief Information Officer established under section 3506'' and inserting ''Chief Information Security Officer designated under section 3548''; and

(ii) by striking ''ensure compliance'' and inserting ''enforce compliance'';

(B) by striking subparagraph (A); and

(C) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively;

(2) in paragraph (4), by inserting ''and cleared'' after ''trained''; and

(3) in paragraph (5), by striking ''Chief Information Officer'' and inserting ''Chief Information Security Officer''.

(b) CHIEF INFORMATION SECURITY OFFICER AND CHIEF INFORMATION SECURITY OFFICER COUNCIL.—Chapter 35 of title 44, United States Code, is amended—

(1) by redesignating sections 3548 and 3549 as sections 3553 and 3554, respectively; and

(2) by inserting after section 3547 the following:

''§ 3548. Chief Information Security Officers

''(a) DESIGNATIONS.—(1) Except as provided under paragraph (2), the head of each agency shall designate a Chief Information Security Officer who with such agency head shall carry out the responsibilities of the agency under this subchapter. An individual may not serve as the Chief Information Officer and the Chief Information Security Officer for an agency at the same time. The Chief Information Security Officer shall report directly to the Chief Information Officer to carry out such responsibilities.

''(2) The Secretary of Defense and the Secretary of each military department may each designate Chief Information Security Officers who with the Secretary making the designation shall carry out the responsibilities of the applicable department under this subchapter. An individual may not serve as the Chief Information Officer and the Chief Information Security Officer for a department at the same time. The Secretary shall provide for the Chief Information Security Officer to report to the applicable Chief Information Officer to carry out such responsibilities. If more than 1 Chief Information Security Officer is designated, the respective duties of the Chief Information Security Officers shall be clearly delineated.

''(b) QUALIFICATIONS AND GENERAL DUTIES.—A Chief Information Security Officer shall—

''(1) possess necessary qualifications, including education, professional certifications, training, experience, and the security clearance required to administer the functions described under this subchapter; and

''(2) have information security duties as the primary duty of that official.

''(c) RESPONSIBILITIES.—A Chief Information Security Officer for an agency shall have the mission, budget, resources, and authority necessary to—

''(1) oversee the establishment and maintenance of an incident response capability that on a continuous basis can—

''(A) detect, report, respond to, contain, investigate, attribute, and mitigate any network, computer, or data security incident that impairs adequate security, in accordance with policy provided by the Office of Management and Budget, in consultation with the Chief Information Security Officer Council, and guidance from the National Institute of Standards and Technology;

''(B) collaborate with other public and private sector incident response resources to address incidents that extend beyond the agency; and

''(C) not later than 24 hours after discovery of any incident described under subparagraph (A) unless otherwise directed by policy of the Office of Management and Budget, provide notice to the appropriate supporting information security operating center, inspector general, and the United States Computer Emergency Readiness Team;

''(2) collaborate with the Chief Information Officer to establish, maintain, and update an enterprise network, system, storage, and security architecture framework documentation to be submitted quarterly to the United States Computer Emergency Readiness Team, that includes—

''(A) documentation of how technical, managerial, and operational security controls are implemented throughout the agency's information infrastructure; and

''(B) documentation of how the controls described under subparagraph (A) maintain the appropriate level of confidentiality, integrity, and availability of electronic information and information systems based on National Institute of Standards and Technology guidance and Chief Information Security Officers Council recommended approaches;

''(3) ensure that—

''(A) risk assessments are conducted on a periodic basis;

''(B) penetration tests are conducted commensurate with risk (as defined by the National Institute of Standards and Technology) for an agency's information infrastructure; and

''(C) information security vulnerabilities are mitigated in a timely fashion;

''(4) ensure that annual information technology security awareness and role-based training for agency employees and contractors is conducted;

''(5) create, maintain, and manage an information security performance measurement system that aligns with agency goals and budget process; and

''(6) direct and manage information technology security programs and functions within all subordinate agency organizations (including components, bureaus, offices, and other organizations within the agency).

''(d) CONTINUOUS TECHNICAL MONITORING FOR MALICIOUS ACTIVITY OF AGENCY NETWORK AND INFORMATION SYSTEM.—(1) Each agency shall establish a mechanism that allows the Chief Information Security Officer of the agency to detect, monitor, correlate, and analyze, the security of any information system that is connected to the agency's information infrastructure on a continuous basis through automated monitoring.

''(2) The Chief Information Security Officer of an agency shall be responsible for and have the authority to assure that any information system connected to the network (directly or indirectly) that does not comply with security policies and standards, or has been compromised, is denied access and use of the agency network until the information system meets or exceeds accepted security policies and standards established by—

''(A) the National Institute of Standards and Technology;

''(B) the Office of Management and Budget; and

''(C) the applicable agency.

''(3) After notification to the applicable agency's Chief Information Officer, the Chief Information Security Officer of an agency may prevent access to any information system or individual that is using or attempts to use the agency information infrastructure if information security policies and procedures have not been followed or implemented.

''(4) If the Chief Information Security Officer recognizes a network, computer, or data security incident that impairs adequate security of an interagency information system, the Chief Information Security Officer shall notify the managing agency, agency inspector general, and the United States Computer Emergency Readiness Team within 24 hours after discovery of an incident as defined by policy of the Office of Management and Budget.

''(e) OPERATIONAL EVALUATION.—(1) The Chief Information Security Officer of an agency in consultation with the agency Chief Information Officer, with recommendations from the Chief Information Security Officers Council and in consultation with the Secretary of Homeland Security and the heads of other appropriate Federal agencies, shall—

''(A) establish security control testing protocols that ensure that the information infrastructure of the agency, including contractor information systems operating on behalf of the agency are effectively protected against known vulnerabilities, attacks, and exploitations;

''(B) oversee the deployment of such protocols throughout the information infrastructure of the agency; and

''(C) update and test such protocols on a recurring basis.

''(2) After consideration of best practices and recommendations for operational evaluations established by the Chief Information Security Officer Council and in consultation with the heads of appropriate agencies, the Department of Homeland Security shall no less than annually—

''(A) conduct an operational evaluation of the information infrastructure of each agency for known vulnerabilities, attacks, and exploitations of Federal networks on a frequent and recurring basis;

''(B) evaluate the ability of each agency to monitor, detect, correlate, analyze, report, and respond to breaches in information security policies and practices;

''(C) report to the agency head, the Chief Information Officer, and the Chief Information Security Officer of the applicable agency the findings of the operational evaluation; and

''(D) in consultation with the Chief Information Officer and the Chief Information Security Officer of the applicable agency, assist with mitigating exploited vulnerabilities, attacks, and exploitations.

''(3) Not later than 30 days after receiving an operational evaluation under paragraph (2), the Chief Information Security Officer of an agency shall provide the Chief Information Officer and the agency head a plan for addressing recommendations and mitigating vulnerabilities contained in the security reports identified under paragraph (2), including a timeline and budget for implementing such plan.

''(f) NATIONAL SECURITY SYSTEMS.—Subsections (c), (d), and (e) shall not apply to any national security system as defined under section 3542(b)(2) so long as that system is evaluated in a manner consistent with processes described under subsection (e)(2)(A) through (D) of this section.

''§ 3549. Chief Information Security Officer Council

''(a) ESTABLISHMENT.—There is established in the executive branch a Chief Information Security Officers Council (in this section referred to as the 'Council').

''(b) MEMBERSHIP.—The members of the Council shall be full-time senior government employees. The members shall be as follows:

''(1) The Administrator of the Office of Electronic Government of the Office of Management and Budget.

''(2) The Chief Information Security Officer of each agency described under section 901(b) of title 31.

''(3) The Chief Information Security Officer of the Department of the Army, the Department of the Navy, and the Department of the Air Force, if chief information officers have been designated for such departments under section 3506(a)(2)(B).

''(4) A representative from the Office of the Director of National Intelligence.

''(5) A representative from the United States Strategic Command.

''(6) A representative from the United States Computer Emergency Readiness Team.

''(7) A representative from the Intelligence Community Incident Response Center.

''(8) A representative from the Committee on National Security Systems.

''(9) Any other officer or employee of the United States designated by the chairperson.

''(c) CO-CHAIRPERSONS AND VICE CHAIRPERSONS.—(1) The Director of the National Cyber Security Center shall act as chairperson of the Council. The Administrator of the Office of Electronic Government of the Office of Management and Budget shall act as co-chairperson of the Council.

''(2) The vice chairperson of the Council shall be selected by the Council from among its members. The vice chairperson shall serve a 1-year term and may serve multiple terms. The vice chairperson shall serve as a liaison to the Chief Information Officer, Council Committee on National Security Systems, and other councils or committees as appointed by the chairperson.

''(d) FUNCTIONS.—(1) The Council shall be the principal interagency forum for establishing best practices and recommendations for operational evaluations that use attack-based testing protocols established under section 3548(e).

''(2) The Council shall—

''(A) share experiences and innovative approaches relating to information sharing and information security best practices, penetration testing regimes, and incident response mitigation;

''(B) promote the development and use of standard performance measures for agency information security that—

''(i) are outcome-based;

''(ii) focus on risk management;

''(iii) align with the business and program goals of the agency;

''(iv) measure improvements in the agency security posture over time; and

''(v) reduce burdensome compliance measures;

''(C) develop and recommend to the Office of Management and Budget the necessary qualifications to be established for Chief Information Security Officers to be capable of administering the functions described under this subchapter including education, training, and experience;

''(D) enhance information system certification and accreditation processes by establishing a prioritized baseline of information security measures and controls that can be

continuously monitored through automated mechanisms; and

''(E) submit proposed enhancements to the Office of Management and Budget.

''§ 3550. Requirements for contracts relating to agency information and information systems

''(a) IN GENERAL.—(1) Not later than 180 days after the date of enactment of the Federal Information Security Management Act of 2008, the Director of the Office of Management and Budget, in consultation with the Director of the National Institutes of Standards and Technology, shall promulgate information security regulations governing contracts (including task or delivery orders issued pursuant to contracts) between the Federal Government and any individual, corporation, partnership, organization, or other entity that interfaces with an information system of an agency or collects, stores, operates, or maintains information on behalf of the agency.

''(2) Regulations promulgated under this subsection shall specify requirements concerning—

''(A) adequacy and effectiveness of the security of information systems;

''(B) the collection and transmission of information, including personally identifiable information; and

''(C) procedures in the event of a security incident.

''(b) COMPLIANCE.—Notwithstanding any other provision of law, effective 180 days after the issuance of regulations under subsection (a), no agency may enter into a contract (or issue a task or delivery orders under a contract), or otherwise enter into an agreement, with an individual, corporation, partnership, organization, or other entity that interfaces with an information system of an agency or collects, stores, operates, or maintains information on behalf of the agency, unless the requirements of the contract or agreement are in compliance with such regulations.

''(c) SECURITY REQUIREMENTS.—Notwithstanding any other provision of law, effective 3 years after the issuance of regulations under subsection (a), no agency may enter into a contract (or issue a task or delivery order under contract), or otherwise enter into an agreement, with an individual, corporation, partnership, organization, or other entity for commercial off the shelf items, including hardware and software that does not conform to the security requirements in such regulations.

''§ 3551. Reports to Congress

''(a) ANNUAL REPORTS.—(1) On March 1 of each year, the Department of Homeland Security shall submit a report on operational evaluations and testing protocols to—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on Oversight and Government Reform and the Committee on Homeland Security of the House of Representatives;

''(C) the Select Committee on Intelligence of the Senate;

''(D) the Permanent Select Committee on Intelligence of the House of Representatives;

''(E) the Government Accountability Office; and

''(F) the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency.

''(2) Each report submitted under this subsection shall—

''(A) provide detailed information on the operational evaluations of each agency performed during the preceding fiscal year, the results of such evaluations, and any actions that remain to be taken under plans included in corrective action reports under section 3548(e)(3);

''(B) describe the effectiveness of the testing protocols developed under section 3548(e)(1) in mitigating the risks associated with known vulnerabilities, attacks, and exploitations of the information infrastructure of each agency;

''(C) describe the information security posture of the Federal Government, including—

''(i) the risks to the confidentiality, integrity, and availability of information governmentwide; and

''(ii) a plan of action and milestones to mitigate the risks governmentwide;

''(D) include any recommendations for relevant executive branch action and congressional oversight; and

''(E) include an unclassified and classified report of the operational evaluation.

''(b) SECURITY REPORTS AND CORRECTIVE ACTION REPORTS.—The agency head and inspector general of each agency shall make all information security reports and information security corrective action reports available upon request to—

''(1) the Secretary of Homeland Security for purposes of completing the requirements under subsection (a); and

''(2) the Comptroller General of the United States.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the items relating to sections 3548 and 3549 and inserting the following:

''Sec.
''3548. Chief Information Security Officers.
''3549. Chief Information Security Officer Council.
''3550. Requirements for contracts relating to agency information and information systems.
''3551. Reports to Congress.
''3552. Authorization of appropriations.
''3553. Effect on existing law.''.

By Mr. WARNER (for himself and Mr. WEBB):

S. 3477. A bill to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence; to the Committee on Homeland Security and Governmental Affairs.

Mr. WARNER. Mr. President, I rise today to introduce legislation with Senator WEBB to help encourage the preservation of, and public access to, historical documents and records of former United States Presidents. Congressman GOODLATTE is joining us in this effort and has introduced similar legislation in the House of Representatives.

The preservation of historical documents is critical to the future of any nation. Current and future generations can look upon the examples of those that came before and learn from their accomplishments, as well as their mistakes. Our Founding Fathers understood the need to preserve important documents for future generations. Thomas Jefferson once said that ''a morsel of genuine history is a thing so rare as to be always valuable.'' In addition, he considered it ''the duty of every good citizen to use all the opportunities, which occur to him, for preserving documents relating to the history of our country.''

Today, we have federally supported presidential libraries from President Hoover onward, but, generally, we do not have federally supported libraries for Presidents prior to President Hoover. The documents and records of these Presidents are scattered throughout America. In our view, the Federal Government should be taking an active role in encouraging the preservation of these documents.

In Virginia, we have an organization that has been leading the way in preserving the records of President Woodrow Wilson. To date, the Woodrow Wilson Presidential Library has preserved several thousand documents. Last year alone, the library received more than one million Wilson-related documents, and it is in the process of preserving these documents and will make them freely available on the Internet. Thousands of people visit the library each year to see documents that have never been seen before in public. In my view, libraries like the Woodrow Wilson Presidential Library are critical to our Nation's history, and we should be encouraging more organizations to engage in this important endeavor.

The legislation I introduce today will help encourage these and other efforts to preserve, and provide public access to, these historical documents by authorizing the National Archives and Records Administration to provide grants to certain organizations to support their efforts in preserving the historical records of past Presidents.

I want to thank the National Archives for their assistance in drafting this important legislation. I look forward to working with my colleagues in the Senate to see this legislation signed into law.

Mr. WEBB. Mr. President, I rise today to introduce bipartisan legislation with my colleague, Senator WARNER, which will authorize the National Archives and Records Administration to make grants for the preservation of records and other historical documents of American Presidents. Grants will be available to entities seeking to preserve the records and other historical documents of Presidents who do not have a presidential library managed and maintained by the Federal Government. This legislation represents the hard work and dedication of numerous stakeholders who are working to preserve these historical documents for present and future generations to enjoy.

The Presidential Historical Records Preservation Act builds upon existing efforts by the National Historical Publications and Records Commission to promote the preservation and use of America's documentary heritage by making grants available to non-profit entities, states and local communities that are seeking to preserve the records and historical documents of American Presidents. This legislation compliments the mission of the National Historical Publications and Records Commission by helping the American public understand our democracy, history, and culture. Our country will be better off for having an

improved, more complete understanding of American Presidents and their legacies.

I would like to especially thank the Woodrow Wilson Presidential Library Foundation for its efforts to bring this issue to Congress' attention. For the last seventy years, the Woodrow Wilson Presidential Library Foundation in Staunton, Virginia has admirably served as caretaker of President Woodrow Wilson's papers and artifacts, dedicating itself to the preservation of Wilson's legacy. But it has done so without the resources afforded to other presidential libraries in the Federal system.

This legislation, if enacted, will help the Woodrow Wilson Presidential Library Foundation, and other non-profit entities like it, preserve and make available to the public the historical records and documents of American Presidents. The Woodrow Wilson Presidential Library serves as the center for education and study of Woodrow Wilson's life and legacies, and the passage of this legislation will enable people from this country and abroad to learn more about the life and work of our nation's 28th President.

I would also like to thank the Archivist of the United States, Dr. Allen Weinstein, and his staff for their dedication and service to our nation. Their efforts in assisting Senator WARNER and me as we crafted this legislation represent the very best in good government and commitment to serving the American public.

I am hopeful that the Committee on Homeland Security and Governmental Affairs will consider this legislation expeditiously and that we can enact it during the remainder of this congressional session.

I ask that my full statement be printed in the RECORD where the bill appears. I yield the floor.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 3478. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the production of energy, to provide transportation and domestic fuel security, and to provide incentives for energy conservation and energy efficiency, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today, I join with my colleague CHUCK GRASSLEY, the Finance Committee's ranking Republican member, to introduce the Energy Independence and Innovation Act of 2008.

This bill will create jobs. It will help consumers with high energy costs. It will contribute to energy security. It will help secure America's place as a world leader in clean energy technology. It will help to prepare this country to address global warming.

For more than a year, we have been trying to pass meaningful energy tax legislation.

In June of last year, the Finance Committee passed a roughly $30 billion energy-tax package. It received a resounding bipartisan committee vote. The bill proposed the largest-ever series of clean energy tax incentives. It was largely offset with reductions in tax breaks for oil and gas companies.

That package's clean energy incentives included a long-term extension of tax credits for wind and solar power, long-term extensions of credits for building efficiency, and extensions and modifications of credits for clean coal technology.

The June 2007 bill also included innovative new items. It included a credit for consumers for plug-in hybrids. It included a new credit to promote capture and storage of carbon dioxide. And it included incentives to transform our electricity grid, so that far-flung sources of renewable power—like wind and solar—can be brought to market.

But many on the other side objected to the bill, because it included reductions in oil and gas tax breaks. We needed 60 votes to pass the Senate. But our bill got 57, and died on the floor.

We tried again in December of last year. We scaled back our oil and gas offsets. And we wrote a smaller, roughly $20 billion package of clean-energy incentives.

But Senators—again, generally from the other side of the aisle—continued to object to provisions cutting tax breaks for oil and gas companies. That bill failed as well, by just one vote.

In response to those concerns, this year, I wrote an energy tax package without oil and gas offsets. That bill, S. 3335, was paid for by closing tax loopholes and by delaying a tax benefit for multinational corporations that has yet to take effect.

That bill included about $18 billion in energy-tax provisions, including scaled-down versions of the original Finance Committee bill. This ''extenders'' bill also included billions in non-energy extenders. These tax incentives are vital to supporting a range of activities, from research and development to higher education.

Unfortunately, S. 3335 has been objected to, as well. It has not cleared the Senate.

But now energy prices are sky-high. And we have learned that many Senators from the other side of the aisle have come to agree that it makes sense to scale back oil and gas tax breaks.

Accordingly, Senator GRASSLEY and I have worked together to rewrite our original Finance Committee product. And that is largely what is represented in the bill that we are introducing today.

Our bill invests about $26 billion in renewable energy. It pays for it largely by repealing tax breaks for oil and gas firms. These are largely the same tax offsets that we included in our original bill. For example, the bill would deny a tax benefit that was enacted in 2004, when oil traded at about $50 per barrel.

Oil trades at more than $100 per barrel now. Recently it reached nearly $150 per barrel. I am pleased that my colleagues have come to agree that with energy prices this high, these oil and gas tax incentives are not needed.

What do we get for repealing those oil and gas tax breaks? We get long-term extensions of vital clean energy incentives, like the credit for wind and solar electricity. With passage of tax credits for wind power in 2005 and 2006, the American wind energy industry has installed capacity in the last 2 years that equals the capacity it installed in the last 2½ decades.

The solar industry is also booming. It accounts for a growing number of high-paying jobs in America's clean tech sector. This bill includes an 8-year extension of the credit for solar power. And that extension will fuel this already impressive job growth.

Let's consider what happens if we do not extend these credits. According to a February 2008 study, failure to extend the wind and solar credits would result in the loss of 114,000 jobs. Renewable energy is simply not yet cost-competitive with fossil-based power. It needs the incentives in this bill.

Absent broader mandates on renewable power, we need to continue tax support for renewable electricity production. With those tax incentives, the private sector will continue to invest in this worthy cause.

This bill also contains many other important provisions. It contains extensions of efficiency incentives for buildings, which account for about 40 percent of American energy use. It contains the new plug-in hybrid credit for consumers, at a higher level than last year's bill—up to $7,500. As did last year's package, the bill we introduce today includes a provision to promote what folks call ''smart meters,'' which provide real-time feedback on electricity usage. These smart meters have been shown to cut consumer energy costs and carbon emissions, as well.

Finally, the bill includes a new production credit for carbon dioxide, providing an incentive for capturing and storing harmful carbon dioxide. This provision was also part of last year's Finance Committee bill. I am pleased that it is part of this bill as well.

This bill does not do everything that I want. If I had my druthers, we would extend and possibly modify—many of these credits for a longer period. And the bill includes some items that I am not overly thrilled about. But those compromises are part of the legislative process. That process will continue after today's introduction.

Meanwhile, I am again pleased that consensus may well be building to redirect tax incentives and invest in the clean technology this country desperately needs.

For the sake of American jobs, for the sake of our Nation's security, and for the sake of our planet's environment, I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3478

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

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Energy Independence and Investment Act of 2008''.

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

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

Sec. 1. Short title, etc.

TITLE I—ENERGY PRODUCTION INCENTIVES

Subtitle A—Renewable Energy Incentives

Sec. 101. Renewable energy credit.
Sec. 102. Production credit for electricity produced from marine renewables.
Sec. 103. Energy credit.
Sec. 104. Credit for residential energy efficient property.
Sec. 105. New clean renewable energy bonds.
Sec. 106. Energy credit for small wind property.
Sec. 107. Energy credit for geothermal heat pump systems.

Subtitle B—Carbon Mitigation and Coal Provisions

Sec. 111. Expansion and modification of advanced coal project investment credit.
Sec. 112. Expansion and modification of coal gasification investment credit.
Sec. 113. Temporary increase in coal excise tax; funding of Black Lung Disability Trust Fund.
Sec. 114. Special rules for refund of the coal excise tax to certain coal producers and exporters.
Sec. 115. Tax credit for carbon dioxide sequestration.
Sec. 116. Carbon audit of the tax code.

TITLE II—TRANSPORTATION AND DOMESTIC FUEL SECURITY PROVISIONS

Sec. 201. Inclusion of cellulosic biofuel in bonus depreciation for biomass ethanol plant property.
Sec. 202. Credits for biodiesel and renewable diesel.
Sec. 203. Clarification that credits for fuel are designed to provide an incentive for United States production.
Sec. 204. Credit for new qualified plug-in electric drive motor vehicles.
Sec. 205. Extension and modification of alternative motor vehicle credit.
Sec. 206. Exclusion from heavy truck tax for idling reduction units and advanced insulation.
Sec. 207. Extension and modification of alternative fuel credit.
Sec. 208. Alternative fuel vehicle refueling property credit.
Sec. 209. Certain income and gains relating to alcohol fuels and mixtures, biodiesel fuels and mixtures, and alternative fuels and mixtures treated as qualifying income for publicly traded partnerships.
Sec. 210. Extension of ethanol production credit.
Sec. 211. Credit for producers of fossil free alcohol.
Sec. 212. Extension and modification of election to expense certain refineries.
Sec. 213. Extension of suspension of taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.

TITLE III—ENERGY CONSERVATION AND EFFICIENCY PROVISIONS

Sec. 301. Qualified energy conservation bonds.
Sec. 302. Credit for nonbusiness energy property.
Sec. 303. Energy efficient commercial buildings deduction.
Sec. 304. New energy efficient home credit.
Sec. 305. Modifications of energy efficient appliance credit for appliances produced after 2007.
Sec. 306. Accelerated recovery period for depreciation of smart meters and smart grid systems.
Sec. 307. Qualified green building and sustainable design projects.
Sec. 308. Special depreciation allowance for certain reuse and recycling property.

TITLE IV—MISCELLANEOUS ENERGY PROVISIONS

Sec. 401. Special rule to implement FERC and State electric restructuring policy.
Sec. 402. Modification of credit for production from advanced nuclear power facilities.
Sec. 403. Income averaging for amounts received in connection with the Exxon Valdez litigation.

TITLE V—REVENUE PROVISIONS

Sec. 501. Limitation of deduction for income attributable to domestic production of oil, gas, or primary products thereof.
Sec. 502. Tax on crude oil and natural gas produced from the outer Continental Shelf in the Gulf of Mexico.
Sec. 503. Elimination of the different treatment of foreign oil and gas extraction income and foreign oil related income for purposes of the foreign tax credit.
Sec. 504. Broker reporting of customer's basis in securities transactions.
Sec. 505. Increase and extension of Oil Spill Liability Trust Fund tax.

TITLE VI—OTHER PROVISIONS

Sec. 601. Secure rural schools and community self-determination program.
Sec. 602. Clarification of uniform definition of child.

TITLE I—ENERGY PRODUCTION INCENTIVES

Subtitle A—Renewable Energy Incentives

SEC. 101. RENEWABLE ENERGY CREDIT.

(a) 3-YEAR EXTENSION.—Each of the following provisions of section 45(d) is amended by striking ''January 1, 2009'' and inserting ''January 1, 2012'':

(1) Paragraph (1).

(2) Clauses (i) and (ii) of paragraph (2)(A).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A).

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) Paragraph (8).

(9) Subparagraphs (A) and (B) of paragraph (9).

(b) MODIFICATION OF REFINED COAL AS A QUALIFIED ENERGY RESOURCE.—

(1) ELIMINATION OF INCREASED MARKET VALUE TEST.—Section 45(c)(7)(A) (defining refined coal) is amended—

(A) by striking clause (iv),

(B) by adding ''and'' at the end of clause (ii), and

(C) by striking '', and'' at the end of clause (iii) and inserting a period.

(2) INCREASE IN REQUIRED EMISSION REDUCTION.—Section 45(c)(7)(B) (defining qualified emission reduction) is amended by inserting ''at least 40 percent of the emissions of'' after ''nitrogen oxide and''.

(c) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking ''facility which burns'' and inserting ''facility (other than a facility described in paragraph (6)) which uses'', and

(2) by striking ''COMBUSTION''.

(d) EXPANSION OF BIOMASS FACILITIES.—

(1) OPEN-LOOP BIOMASS FACILITIES.—Paragraph (3) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(2) CLOSED-LOOP BIOMASS FACILITIES.—Paragraph (2) of section 45(d) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

''(B) EXPANSION OF FACILITY.—Such term shall include a new unit placed in service after the date of the enactment of this subparagraph in connection with a facility described in subparagraph (A)(i), but only to the extent of the increased amount of electricity produced at the facility by reason of such new unit.''.

(e) MODIFICATION OF RULES FOR HYDROPOWER PRODUCTION.—Subparagraph (C) of section 45(c)(8) is amended to read as follows:

''(C) NONHYDROELECTRIC DAM.—For purposes of subparagraph (A), a facility is described in this subparagraph if—

''(i) the hydroelectric project installed on the nonhydroelectric dam is licensed by the Federal Energy Regulatory Commission and meets all other applicable environmental, licensing, and regulatory requirements,

''(ii) the nonhydroelectric dam was placed in service before the date of the enactment of this paragraph and operated for flood control, navigation, or water supply purposes and did not produce hydroelectric power on the date of the enactment of this paragraph, and

''(iii) the hydroelectric project is operated so that the water surface elevation at any given location and time that would have occurred in the absence of the hydroelectric project is maintained, subject to any license requirements imposed under applicable law that change the water surface elevation for the purpose of improving environmental quality of the affected waterway.

The Secretary, in consultation with the Federal Energy Regulatory Commission, shall certify if a hydroelectric project licensed at a nonhydroelectric dam meets the criteria in clause (iii). Nothing in this section shall affect the standards under which the Federal Energy Regulatory Commission issues licenses for and regulates hydropower projects under part I of the Federal Power Act.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to property originally placed in service after December 31, 2008.

(2) REFINED COAL.—The amendments made by subsection (b) shall apply to coal produced and sold after December 31, 2008.

(3) TRASH FACILITY CLARIFICATION.—The amendments made by subsection (c) shall apply to electricity produced and sold after the date of the enactment of this Act.

(4) EXPANSION OF BIOMASS FACILITIES.—The amendments made by subsection (d) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 102. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

(a) IN GENERAL.—Paragraph (1) of section 45(c) is amended by striking ''and'' at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting '', and'', and by adding at the end the following new subparagraph:

''(I) marine and hydrokinetic renewable energy.''.

(b) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

''(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

''(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

''(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

''(ii) free flowing water in rivers, lakes, and streams,

''(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

''(iv) differentials in ocean temperature (ocean thermal energy conversion).

''(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.''.

(c) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

''(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

''(A) which has a nameplate capacity rating of at least 150 kilowatts, and

''(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2012.''.

(d) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking ''or (9)'' and inserting ''(9), or (11)''.

(e) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by section 101, is amended by striking ''January 1, 2012'' and inserting ''the date of the enactment of paragraph (11)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 103. ENERGY CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) are each amended by striking ''January 1, 2009'' and inserting ''January 1, 2017''.

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(3) MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating clauses (v) and (vi) as clauses (vi) and (vii), respectively, and by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48,''.

(c) ENERGY CREDIT FOR COMBINED HEAT AND POWER SYSTEM PROPERTY.—

(1) IN GENERAL.—Section 48(a)(3)(A) is amended by striking ''or'' at the end of clause (iii), by inserting ''or'' at the end of clause (iv), and by adding at the end the following new clause:

''(v) combined heat and power system property,''.

(2) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Subsection (c) of section 48 is amended—

(A) by striking ''QUALIFIED FUEL CELL PROPERTY; QUALIFIED MICROTURBINE PROPERTY'' in the heading and inserting ''DEFINITIONS'', and

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

''(3) COMBINED HEAT AND POWER SYSTEM PROPERTY.—

''(A) COMBINED HEAT AND POWER SYSTEM PROPERTY.—The term 'combined heat and power system property' means property comprising a system—

''(i) which uses the same energy source for the simultaneous or sequential generation of electrical power, mechanical shaft power, or both, in combination with the generation of steam or other forms of useful thermal energy (including heating and cooling applications),

''(ii) which produces—

''(I) at least 20 percent of its total useful energy in the form of thermal energy which is not used to produce electrical or mechanical power (or combination thereof), and

''(II) at least 20 percent of its total useful energy in the form of electrical or mechanical power (or combination thereof),

''(iii) the energy efficiency percentage of which exceeds 60 percent, and

''(iv) which is placed in service before January 1, 2017.

''(B) LIMITATION.—

''(i) IN GENERAL.—In the case of combined heat and power system property with an electrical capacity in excess of the applicable capacity placed in service during the taxable year, the credit under subsection (a)(1) (determined without regard to this paragraph) for such year shall be equal to the amount which bears the same ratio to such credit as the applicable capacity bears to the capacity of such property.

''(ii) APPLICABLE CAPACITY.—For purposes of clause (i), the term 'applicable capacity' means 15 megawatts or a mechanical energy capacity of more than 20,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(iii) MAXIMUM CAPACITY.—The term 'combined heat and power system property' shall not include any property comprising a system if such system has a capacity in excess of 50 megawatts or a mechanical energy capacity in excess of 67,000 horsepower or an equivalent combination of electrical and mechanical energy capacities.

''(C) SPECIAL RULES.—

''(i) ENERGY EFFICIENCY PERCENTAGE.—For purposes of this paragraph, the energy efficiency percentage of a system is the fraction—

''(I) the numerator of which is the total useful electrical, thermal, and mechanical power produced by the system at normal operating rates, and expected to be consumed in its normal application, and

''(II) the denominator of which is the lower heating value of the fuel sources for the system.

''(ii) DETERMINATIONS MADE ON BTU BASIS.—The energy efficiency percentage and the percentages under subparagraph (A)(ii) shall be determined on a Btu basis.

''(iii) INPUT AND OUTPUT PROPERTY NOT INCLUDED.—The term 'combined heat and power system property' does not include property used to transport the energy source to the facility or to distribute energy produced by the facility.

''(D) SYSTEMS USING BIOMASS.—If a system is designed to use biomass (within the meaning of paragraphs (2) and (3) of section 45(c) without regard to the last sentence of paragraph (3)(A)) for at least 90 percent of the energy source—

''(i) subparagraph (A)(iii) shall not apply, but

''(ii) the amount of credit determined under subsection (a) with respect to such system shall not exceed the amount which bears the same ratio to such amount of credit (determined without regard to this subparagraph) as the energy efficiency percentage of such system bears to 60 percent.''.

(d) INCREASE OF CREDIT LIMITATION FOR FUEL CELL PROPERTY.—Subparagraph (B) of section 48(c)(1) is amended by striking ''$500'' and inserting ''$1,500''.

(e) PUBLIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(B) Paragraph (2) of section 48(c) is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) COMBINED HEAT AND POWER AND FUEL CELL PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(4) PUBLIC UTILITY PROPERTY.—The amendments made by subsection (e) shall apply to periods after February 13, 2008, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 104. CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) EXTENSION.—Section 25D(g) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2016''.

(b) MAXIMUM CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1)(A) is amended by striking ''$2,000'' and inserting ''$4,000''.

(2) CONFORMING AMENDMENT.—Section 25D(e)(4)(A)(i) is amended by striking ''$6,667'' and inserting ''$13,333''.

(c) CREDIT FOR RESIDENTIAL WIND PROPERTY.—

(1) IN GENERAL.—Section 25D(a) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end the following new paragraph:

''(4) 30 percent of the qualified small wind energy property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) $500 with respect to each half kilowatt of capacity (not to exceed $4,000) of wind turbines for which qualified small wind energy property expenditures are made.''.

(3) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURES.—

(A) IN GENERAL.—Section 25D(d) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED SMALL WIND ENERGY PROPERTY EXPENDITURE.—The term 'qualified small wind energy property expenditure' means an expenditure for property which uses a wind turbine to generate electricity for use in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.''.

(B) NO DOUBLE BENEFIT.—Section 45(d)(1) is amended by adding at the end the following new sentence: ''Such term shall not include any facility with respect to which any qualified small wind energy property expenditure (as defined in subsection (d)(4) of section 25D) is taken into account in determining the credit under such section.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) $1,667 in the case of each half kilowatt of capacity (not to exceed $13,333) of wind turbines for which qualified small wind energy property expenditures are made.''.

(d) CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.—

(1) IN GENERAL.—Section 25D(a), as amended by subsection (c), is amended by striking ''and'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', and'', and by adding at the end the following new paragraph:

''(5) 30 percent of the qualified geothermal heat pump property expenditures made by the taxpayer during such year.''.

(2) LIMITATION.—Section 25D(b)(1), as amended by subsection (c), is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) $2,000 with respect to any qualified geothermal heat pump property expenditures.''.

(3) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—Section 25D(d), as amended by subsection (c), is amended by adding at the end the following new paragraph:

''(5) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified geothermal heat pump property expenditure' means an expenditure for qualified geothermal heat pump property installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer.

''(B) QUALIFIED GEOTHERMAL HEAT PUMP PROPERTY.—The term 'qualified geothermal heat pump property' means any equipment which—

''(i) uses the ground or ground water as a thermal energy source to heat the dwelling unit referred to in subparagraph (A) or as a thermal energy sink to cool such dwelling unit, and

''(ii) meets the requirements of the Energy Star program which are in effect at the time that the expenditure for such equipment is made.''.

(4) MAXIMUM EXPENDITURES IN CASE OF JOINT OCCUPANCY.—Section 25D(e)(4)(A), as amended by subsection (c), is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) $6,667 in the case of any qualified geothermal heat pump property expenditures.''.

(e) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

''(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

''(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

''(2) CARRYFORWARD OF UNUSED CREDIT.—

''(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting ''and section 25D'' after ''this section''.

(B) Section 24(b)(3)(B) is amended by striking ''and 25B'' and inserting '', 25B, and 25D''.

(C) Section 25B(g)(2) is amended by striking ''section 23'' and inserting ''sections 23 and 25D''.

(D) Section 26(a)(1) is amended by striking ''and 25B'' and inserting ''25B, and 25D''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (e)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 105. NEW CLEAN RENEWABLE ENERGY BONDS.

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

''SEC. 54C. NEW CLEAN RENEWABLE ENERGY BONDS.

''(a) NEW CLEAN RENEWABLE ENERGY BOND.—For purposes of this subpart, the term 'new clean renewable energy bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by governmental bodies, public power providers, or cooperative electric companies for one or more qualified renewable energy facilities,

''(2) the bond is issued by a qualified issuer, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any new clean renewable energy bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated under this subsection to such issuer.

''(2) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national new clean renewable energy bond limitation of $2,000,000,000 which shall be allocated by the Secretary as provided in paragraph (3), except that—

''(A) not more than 33⅓ percent thereof may be allocated to qualified projects of public power providers,

''(B) not more than 33⅓ percent thereof may be allocated to qualified projects of governmental bodies, and

''(C) not more than 33⅓ percent thereof may be allocated to qualified projects of cooperative electric companies.

''(3) METHOD OF ALLOCATION.—

''(A) ALLOCATION AMONG PUBLIC POWER PROVIDERS.—After the Secretary determines the qualified projects of public power providers which are appropriate for receiving an allocation of the national new clean renewable energy bond limitation, the Secretary shall, to the maximum extent practicable, make allocations among such projects in such manner that the amount allocated to each such project bears the same ratio to the cost of such project as the limitation under paragraph (2)(A) bears to the cost of all such projects.

''(B) ALLOCATION AMONG GOVERNMENTAL BODIES AND COOPERATIVE ELECTRIC COMPANIES.—The Secretary shall make allocations of the amount of the national new clean renewable energy bond limitation described in paragraphs (2)(B) and (2)(C) among qualified projects of governmental bodies and cooperative electric companies, respectively, in such manner as the Secretary determines appropriate.

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

''(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date) owned by a public power provider, a governmental body, or a cooperative electric company.

''(2) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).

''(3) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

''(4) COOPERATIVE ELECTRIC COMPANY.—The term 'cooperative electric company' means a mutual or cooperative electric company described in section 501(c)(12) or section 1381(a)(2)(C).

''(5) CLEAN RENEWABLE ENERGY BOND LENDER.—The term 'clean renewable energy bond lender' means a lender which is a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002, and shall include any affiliated entity which is controlled by such lender.

''(6) QUALIFIED ISSUER.—The term 'qualified issuer' means a public power provider, a cooperative electric company, a governmental body, a clean renewable energy bond lender, or a not-for-profit electric utility which has received a loan or loan guarantee under the Rural Electrification Act.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond, or

''(B) a new clean renewable energy bond, which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2) is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e), and

''(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54C. Qualified clean renewable energy bonds.''.

(c) EXTENSION FOR CLEAN RENEWABLE ENERGY BONDS.—Subsection (m) of section 54 is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 106. ENERGY CREDIT FOR SMALL WIND PROPERTY.

(a) IN GENERAL.—Section 48(a)(3)(A), as amended by subsection (c), is amended by striking ''or'' at the end of clause (iv), by adding ''or'' at the end of clause (v), and by inserting after clause (v) the following new clause:

''(vi) qualified small wind energy property,''.

(b) 30 PERCENT CREDIT.—Section 48(a)(2)(A)(i) is amended by striking ''and'' at the end of subclause (II) and by inserting after subclause (III) the following new subclause:

''(IV) qualified small wind energy property, and''.

(c) QUALIFIED SMALL WIND ENERGY PROPERTY.—Section 48(c) is amended by adding at the end the following new paragraph:

''(4) QUALIFIED SMALL WIND ENERGY PROPERTY.—

''(A) IN GENERAL.—The term 'qualified small wind energy property' means property which uses a qualifying small wind turbine to generate electricity.

''(B) LIMITATION.—In the case of qualified small wind energy property placed in service during the taxable year, the credit otherwise determined under subsection (a)(1) for such year with respect to such property shall not exceed $4,000 with respect to any taxpayer.

''(C) QUALIFYING SMALL WIND TURBINE.—The term 'qualifying small wind turbine' means a wind turbine which—

''(i) has a nameplate capacity of not more than 100 kilowatts, and

''(ii) meets the performance standards of the American Wind Energy Association.

''(D) TERMINATION.—The term 'qualified small wind energy property' shall not include any property for any period after December 31, 2016.''.

(d) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking ''paragraphs (1)(B) and (2)(B)'' and inserting ''paragraphs (1)(B), (2)(B), (3)(B), and (4)(B)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 107. ENERGY CREDIT FOR GEOTHERMAL HEAT PUMP SYSTEMS.

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3), as amended by this Act, is amended by striking ''or'' at the end of clause (v), by inserting ''or'' at the end of clause (vi), and by adding at the end the following new clause:

''(vii) equipment which uses the ground or ground water as a thermal energy source to heat a structure or as a thermal energy sink to cool a structure, but only with respect to periods ending before January 1, 2017,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

Subtitle B—Carbon Mitigation and Coal Provisions

SEC. 111. EXPANSION AND MODIFICATION OF ADVANCED COAL PROJECT INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48A(a) is amended by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) 30 percent of the qualified investment for such taxable year in the case of projects described in clause (iii) of subsection (d)(3)(B).''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48A(d)(3)(A) is amended by striking ''$1,300,000,000'' and inserting ''$3,300,000,000''.

(c) AUTHORIZATION OF ADDITIONAL PROJECTS.—

(1) IN GENERAL.—Subparagraph (B) of section 48A(d)(3) is amended to read as follows:

''(B) PARTICULAR PROJECTS.—Of the dollar amount in subparagraph (A), the Secretary is authorized to certify—

''(i) $800,000,000 for integrated gasification combined cycle projects the application for which is submitted during the period described in paragraph (2)(A)(i),

''(ii) $500,000,000 for projects which use other advanced coal-based generation technologies the application for which is submitted during the period described in paragraph (2)(A)(i), and

''(iii) $2,000,000,000 for advanced coal-based generation technology projects the application for which is submitted during the period described in paragraph (2)(A)(ii).''.

(2) APPLICATION PERIOD FOR ADDITIONAL PROJECTS.—Subparagraph (A) of section 48A(d)(2) is amended to read as follows:

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application meeting the requirements of subparagraph (B). An applicant may only submit an application—

''(i) for an allocation from the dollar amount specified in clause (i) or (ii) of paragraph (3)(B) during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1), and

''(ii) for an allocation from the dollar amount specified in paragraph (3)(B)(iii) during the 3-year period beginning at the earlier of the termination of the period described in clause (i) or the date prescribed by the Secretary.''.

(3) CAPTURE AND SEQUESTRATION OF CARBON DIOXIDE EMISSIONS REQUIREMENT.—

(A) IN GENERAL.—Section 48A(e)(1) is amended by striking ''and'' at the end of subparagraph (E), by striking the period at the end of subparagraph (F) and inserting ''; and'', and by adding at the end the following new subparagraph:

''(G) in the case of any project the application for which is submitted during the period described in subsection (d)(2)(A)(ii), the project includes equipment which separates and sequesters at least 65 percent (70 percent in the case of an application for reallocated credits under subsection (d)(4)) of such project's total carbon dioxide emissions.''.

(B) HIGHEST PRIORITY FOR PROJECTS WHICH SEQUESTER CARBON DIOXIDE EMISSIONS.—Section 48A(e)(3) is amended by striking ''and'' at the end of subparagraph (A)(iii), by striking the period at the end of subparagraph (B)(iii) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions.''.

(C) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48A is amended by adding at the end the following new subsection:

''(i) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements of subsection (e)(1)(G).''.

(4) ADDITIONAL PRIORITY FOR RESEARCH PARTNERSHIPS.—Section 48A(e)(3)(B), as amended by paragraph (3)(B), is amended—

(A) by striking ''and'' at the end of clause (ii),

(B) by redesignating clause (iii) as clause (iv), and

(C) by inserting after clause (ii) the following new clause:

''(iii) applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)), and''.

(5) CLERICAL AMENDMENT.—Section 48A(e)(3) is amended by striking ''INTEGRATED GASIFICATION COMBINED CYCLE'' in the heading and inserting ''CERTAIN''.

(d) DISCLOSURE OF ALLOCATIONS.—Section 48A(d) is amended by adding at the end the following new paragraph:

''(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection or section 48B(d), publicly disclose the identity of the applicant and the amount of the credit certified with respect to such applicant.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to credits the application for which is submitted during the period described in section

48A(d)(2)(A)(ii) of the Internal Revenue Code of 1986 and which are allocated or reallocated after the date of the enactment of this Act.

(2) DISCLOSURE OF ALLOCATIONS.—The amendment made by subsection (d) shall apply to certifications made after the date of the enactment of this Act.

(3) CLERICAL AMENDMENT.—The amendment made by subsection (c)(5) shall take effect as if included in the amendment made by section 1307(b) of the Energy Tax Incentives Act of 2005.

SEC. 112. EXPANSION AND MODIFICATION OF COAL GASIFICATION INVESTMENT CREDIT.

(a) MODIFICATION OF CREDIT AMOUNT.—Section 48B(a) is amended by inserting ''(30 percent in the case of credits allocated under subsection (d)(1)(B))'' after ''20 percent''.

(b) EXPANSION OF AGGREGATE CREDITS.—Section 48B(d)(1) is amended by striking ''shall not exceed $350,000,000'' and all that follows and inserting ''shall not exceed—

''(A) $350,000,000, plus

''(B) $500,000,000 for qualifying gasification projects that include equipment which separates and sequesters at least 75 percent of such project's total carbon dioxide emissions.''.

(c) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—Section 48B is amended by adding at the end the following new subsection:

''(f) RECAPTURE OF CREDIT FOR FAILURE TO SEQUESTER.—The Secretary shall provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any project which fails to attain or maintain the separation and sequestration requirements for such project under subsection (d)(1).''.

(d) SELECTION PRIORITIES.—Section 48B(d) is amended by adding at the end the following new paragraph:

''(4) SELECTION PRIORITIES.—In determining which qualifying gasification projects to certify under this section, the Secretary shall—

''(A) give highest priority to projects with the greatest separation and sequestration percentage of total carbon dioxide emissions, and

''(B) give high priority to applicant participants who have a research partnership with an eligible educational institution (as defined in section 529(e)(5)).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to credits described in section 48B(d)(1)(B) of the Internal Revenue Code of 1986 which are allocated or reallocated after the date of the enactment of this Act.

SEC. 113. TEMPORARY INCREASE IN COAL EXCISE TAX; FUNDING OF BLACK LUNG DISABILITY TRUST FUND.

(a) EXTENSION OF TEMPORARY INCREASE.—Paragraph (2) of section 4121(e) is amended—

(1) by striking ''January 1, 2014'' in subparagraph (A) and inserting ''December 31, 2018'', and

(2) by striking ''January 1 after 1981'' in subparagraph (B) and inserting ''December 31 after 2007''.

(b) RESTRUCTURING OF TRUST FUND DEBT.—

(1) DEFINITIONS.—For purposes of this subsection—

(A) MARKET VALUE OF THE OUTSTANDING REPAYABLE ADVANCES, PLUS ACCRUED INTEREST.—The term ''market value of the outstanding repayable advances, plus accrued interest'' means the present value (determined by the Secretary of the Treasury as of the refinancing date and using the Treasury rate as the discount rate) of the stream of principal and interest payments derived assuming that each repayable advance that is outstanding on the refinancing date is due on the 30th anniversary of the end of the fiscal year in which the advance was made to the Trust Fund, and that all such principal and interest payments are made on September 30 of the applicable fiscal year.

(B) REFINANCING DATE.—The term ''refinancing date'' means the date occurring 2 days after the enactment of this Act.

(C) REPAYABLE ADVANCE.—The term ''repayable advance'' means an amount that has been appropriated to the Trust Fund in order to make benefit payments and other expenditures that are authorized under section 9501 of the Internal Revenue Code of 1986 and are required to be repaid when the Secretary of the Treasury determines that monies are available in the Trust Fund for such purpose.

(D) TREASURY RATE.—The term ''Treasury rate'' means a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

(E) TREASURY 1-YEAR RATE.—The term ''Treasury 1-year rate'' means a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States with remaining periods to maturity of approximately 1 year, to have been in effect as of the close of business 1 business day prior to the date on which the Trust Fund issues obligations to the Secretary of the Treasury under paragraph (2)(B).

(2) REFINANCING OF OUTSTANDING PRINCIPAL OF REPAYABLE ADVANCES AND UNPAID INTEREST ON SUCH ADVANCES.—

(A) TRANSFER TO GENERAL FUND.—On the refinancing date, the Trust Fund shall repay the market value of the outstanding repayable advances, plus accrued interest, by transferring into the general fund of the Treasury the following sums:

(i) The proceeds from obligations that the Trust Fund shall issue to the Secretary of the Treasury in such amounts as the Secretaries of Labor and the Treasury shall determine and bearing interest at the Treasury rate, and that shall be in such forms and denominations and be subject to such other terms and conditions, including maturity, as the Secretary of the Treasury shall prescribe.

(ii) All, or that portion, of the appropriation made to the Trust Fund pursuant to paragraph (3) that is needed to cover the difference defined in that paragraph.

(B) REPAYMENT OF OBLIGATIONS.—In the event that the Trust Fund is unable to repay the obligations that it has issued to the Secretary of the Treasury under subparagraph (A)(i) and this subparagraph, or is unable to make benefit payments and other authorized expenditures, the Trust Fund shall issue obligations to the Secretary of the Treasury in such amounts as may be necessary to make such repayments, payments, and expenditures, with a maturity of 1 year, and bearing interest at the Treasury 1-year rate. These obligations shall be in such forms and denominations and be subject to such other terms and conditions as the Secretary of the Treasury shall prescribe.

(C) AUTHORITY TO ISSUE OBLIGATIONS.—The Trust Fund is authorized to issue obligations to the Secretary of the Treasury under subparagraphs (A)(i) and (B). The Secretary of the Treasury is authorized to purchase such obligations of the Trust Fund. For the purposes of making such purchases, the Secretary of the Treasury may use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include any purchase of such Trust Fund obligations under this subparagraph.

(3) ONE-TIME APPROPRIATION.—There is hereby appropriated to the Trust Fund an amount sufficient to pay to the general fund of the Treasury the difference between—

(A) the market value of the outstanding repayable advances, plus accrued interest; and

(B) the proceeds from the obligations issued by the Trust Fund to the Secretary of the Treasury under paragraph (2)(A)(i).

(4) PREPAYMENT OF TRUST FUND OBLIGATIONS.—The Trust Fund is authorized to repay any obligation issued to the Secretary of the Treasury under subparagraphs (A)(i) and (B) of paragraph (2) prior to its maturity date by paying a prepayment price that would, if the obligation being prepaid (including all unpaid interest accrued thereon through the date of prepayment) were purchased by a third party and held to the maturity date of such obligation, produce a yield to the third-party purchaser for the period from the date of purchase to the maturity date of such obligation substantially equal to the Treasury yield on outstanding marketable obligations of the United States having a comparable maturity to this period.

SEC. 114. SPECIAL RULES FOR REFUND OF THE COAL EXCISE TAX TO CERTAIN COAL PRODUCERS AND EXPORTERS.

(a) REFUND.—

(1) COAL PRODUCERS.—

(A) IN GENERAL.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, if—

(i) a coal producer establishes that such coal producer, or a party related to such coal producer, exported coal produced by such coal producer to a foreign country or shipped coal produced by such coal producer to a possession of the United States, or caused such coal to be exported or shipped, the export or shipment of which was other than through an exporter who meets the requirements of paragraph (2),

(ii) such coal producer filed an excise tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(iii) such coal producer files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such coal producer an amount equal to the tax paid under section 4121 of such Code on such coal exported or shipped by the coal producer or a party related to such coal producer, or caused by the coal producer or a party related to such coal producer to be exported or shipped.

(B) SPECIAL RULES FOR CERTAIN TAXPAYERS.—For purposes of this section—

(i) IN GENERAL.—If a coal producer or a party related to a coal producer has received a judgment described in clause (iii), such coal producer shall be deemed to have established the export of coal to a foreign country or shipment of coal to a possession of the United States under subparagraph (A)(i).

(ii) AMOUNT OF PAYMENT.—If a taxpayer described in clause (i) is entitled to a payment under subparagraph (A), the amount of such payment shall be reduced by any amount paid pursuant to the judgment described in clause (iii).

(iii) JUDGMENT DESCRIBED.—A judgment is described in this subparagraph if such judgment—

(I) is made by a court of competent jurisdiction within the United States,

(II) relates to the constitutionality of any tax paid on exported coal under section 4121 of the Internal Revenue Code of 1986, and

(III) is in favor of the coal producer or the party related to the coal producer.

(2) EXPORTERS.—Notwithstanding subsections (a)(1) and (c) of section 6416 and section 6511 of the Internal Revenue Code of 1986, and a judgment described in paragraph (1)(B)(iii) of this subsection, if—

(A) an exporter establishes that such exporter exported coal to a foreign country or shipped coal to a possession of the United States, or caused such coal to be so exported or shipped,

(B) such exporter filed a tax return on or after October 1, 1990, and on or before the date of the enactment of this Act, and

(C) such exporter files a claim for refund with the Secretary not later than the close of the 30-day period beginning on the date of the enactment of this Act,

then the Secretary shall pay to such exporter an amount equal to $0.825 per ton of such coal exported by the exporter or caused to be exported or shipped, or caused to be exported or shipped, by the exporter.

(b) LIMITATIONS.—Subsection (a) shall not apply with respect to exported coal if a settlement with the Federal Government has been made with and accepted by, the coal producer, a party related to such coal producer, or the exporter, of such coal, as of the date that the claim is filed under this section with respect to such exported coal. For purposes of this subsection, the term ''settlement with the Federal Government'' shall not include any settlement or stipulation entered into as of the date of the enactment of this Act, the terms of which contemplate a judgment concerning which any party has reserved the right to file an appeal, or has filed an appeal.

(c) SUBSEQUENT REFUND PROHIBITED.—No refund shall be made under this section to the extent that a credit or refund of such tax on such exported or shipped coal has been paid to any person.

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

(1) COAL PRODUCER.—The term ''coal producer'' means the person in whom is vested ownership of the coal immediately after the coal is severed from the ground, without regard to the existence of any contractual arrangement for the sale or other disposition of the coal or the payment of any royalties between the producer and third parties. The term includes any person who extracts coal from coal waste refuse piles or from the silt waste product which results from the wet washing (or similar processing) of coal.

(2) EXPORTER.—The term ''exporter'' means a person, other than a coal producer, who does not have a contract, fee arrangement, or any other agreement with a producer or seller of such coal to export or ship such coal to a third party on behalf of the producer or seller of such coal and—

(A) is indicated in the shipper's export declaration or other documentation as the exporter of record, or

(B) actually exported such coal to a foreign country or shipped such coal to a possession of the United States, or caused such coal to be so exported or shipped.

(3) RELATED PARTY.—The term ''a party related to such coal producer'' means a person who—

(A) is related to such coal producer through any degree of common management, stock ownership, or voting control,

(B) is related (within the meaning of section 144(a)(3) of the Internal Revenue Code of 1986) to such coal producer, or

(C) has a contract, fee arrangement, or any other agreement with such coal producer to sell such coal to a third party on behalf of such coal producer.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Treasury or the Secretary's designee.

(e) TIMING OF REFUND.—With respect to any claim for refund filed pursuant to this section, the Secretary shall determine whether the requirements of this section are met not later than 180 days after such claim is filed. If the Secretary determines that the requirements of this section are met, the claim for refund shall be paid not later than 180 days after the Secretary makes such determination.

(f) INTEREST.—Any refund paid pursuant to this section shall be paid by the Secretary with interest from the date of overpayment determined by using the overpayment rate and method under section 6621 of the Internal Revenue Code of 1986.

(g) DENIAL OF DOUBLE BENEFIT.—The payment under subsection (a) with respect to any coal shall not exceed—

(1) in the case of a payment to a coal producer, the amount of tax paid under section 4121 of the Internal Revenue Code of 1986 with respect to such coal by such coal producer or a party related to such coal producer, and

(2) in the case of a payment to an exporter, an amount equal to $0.825 per ton with respect to such coal exported by the exporter or caused to be exported by the exporter.

(h) APPLICATION OF SECTION.—This section applies only to claims on coal exported or shipped on or after October 1, 1990, through the date of the enactment of this Act.

(i) STANDING NOT CONFERRED.—

(1) EXPORTERS.—With respect to exporters, this section shall not confer standing upon an exporter to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by a coal producer of any Federal or State tax, fee, or royalty paid by the coal producer.

(2) COAL PRODUCERS.—With respect to coal producers, this section shall not confer standing upon a coal producer to commence, or intervene in, any judicial or administrative proceeding concerning a claim for refund by an exporter of any Federal or State tax, fee, or royalty paid by the producer and alleged to have been passed on to an exporter.

SEC. 115. TAX CREDIT FOR CARBON DIOXIDE SEQUESTRATION.

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

''SEC. 45Q. CREDIT FOR CARBON DIOXIDE SEQUESTRATION.

''(a) GENERAL RULE.—For purposes of section 38, the carbon dioxide sequestration credit for any taxable year is an amount equal to the sum of—

''(1) $20 per metric ton of qualified carbon dioxide which is—

''(A) captured by the taxpayer at a qualified facility, and

''(B) disposed of by the taxpayer in secure geological storage, and

''(2) $10 per metric ton of qualified carbon dioxide which is—

''(A) captured by the taxpayer at a qualified facility, and

''(B) used by the taxpayer as a tertiary injectant in a qualified enhanced oil or natural gas recovery project.

''(b) QUALIFIED CARBON DIOXIDE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified carbon dioxide' means carbon dioxide captured from an industrial source which—

''(A) would otherwise be released into the atmosphere as industrial emission of greenhouse gas, and

''(B) is measured at the source of capture and verified at the point of disposal or injection.

''(2) RECYCLED CARBON DIOXIDE.—The term 'qualified carbon dioxide' includes the initial deposit of captured carbon dioxide used as a tertiary injectant. Such term does not include carbon dioxide that is re-captured, recycled, and re-injected as part of the enhanced oil and natural gas recovery process.

''(c) QUALIFIED FACILITY.—For purposes of this section, the term 'qualified facility' means any industrial facility—

''(1) which is owned by the taxpayer,

''(2) at which carbon capture equipment is placed in service, and

''(3) which captures not less than 500,000 metric tons of carbon dioxide during the taxable year.

''(d) SPECIAL RULES AND OTHER DEFINITIONS.—For purposes of this section—

''(1) ONLY CARBON DIOXIDE CAPTURED AND DISPOSED OF OR USED WITHIN THE UNITED STATES TAKEN INTO ACCOUNT.—The credit under this section shall apply only with respect to qualified carbon dioxide the capture and disposal or use of which is within—

''(A) the United States (within the meaning of section 638(1)), or

''(B) a possession of the United States (within the meaning of section 638(2)).

''(2) SECURE GEOLOGICAL STORAGE.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish regulations for determining adequate security measures for the geological storage of carbon dioxide under subsection (a)(1)(B) such that the carbon dioxide does not escape into the atmosphere. Such term shall include storage at deep saline formations and unminable coal seems under such conditions as the Secretary may determine under such regulations.

''(3) TERTIARY INJECTANT.—The term 'tertiary injectant' has the same meaning as when used within section 193(b)(1).

''(4) QUALIFIED ENHANCED OIL OR NATURAL GAS RECOVERY PROJECT.—The term 'qualified enhanced oil or natural gas recovery project' has the meaning given the term 'qualified enhanced oil recovery project' by section 43(c)(2), by substituting 'crude oil or natural gas' for 'crude oil' in subparagraph (A)(i) thereof.

''(5) CREDIT ATTRIBUTABLE TO TAXPAYER.—Any credit under this section shall be attributable to the person that captures and physically or contractually ensures the disposal of or the use as a tertiary injectant of the qualified carbon dioxide, except to the extent provided in regulations prescribed by the Secretary.

''(6) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any qualified carbon dioxide which ceases to be captured, disposed of, or used as a tertiary injectant in a manner consistent with the requirements of this section.

''(7) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2009, there shall be substituted for each dollar amount contained in subsection (a) an amount equal to the product of—

''(A) such dollar amount, multiplied by

''(B) the inflation adjustment factor for such calendar year determined under section 43(b)(3)(B) for such calendar year, determined by substituting '2008' for '1990'.

''(e) APPLICATION OF SECTION.—The credit under this section shall apply with respect to qualified carbon dioxide before the end of the calendar year in which the Secretary, in consultation with the Administrator of the Environmental Protection Agency, certifies that 75,000,000 metric tons of qualified carbon dioxide have been captured and disposed of or used as a tertiary injectant.''.

(b) CONFORMING AMENDMENT.—Section 38(b) (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting '', plus'', and by adding at the end of following new paragraph:

''(34) the carbon dioxide sequestration credit determined under section 45Q(a).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

''Sec. 45Q. Credit for carbon dioxide sequestration.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to carbon dioxide captured after the date of the enactment of this Act.

SEC. 116. CARBON AUDIT OF THE TAX CODE.

(a) STUDY.—The Secretary of the Treasury shall enter into an agreement with the National Academy of Sciences to undertake a comprehensive review of the Internal Revenue Code of 1986 to identify the types of and specific tax provisions that have the largest effects on carbon and other greenhouse gas emissions and to estimate the magnitude of those effects.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to Congress a report containing the results of study authorized under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000 for the period of fiscal years 2009 and 2010.

TITLE II—TRANSPORTATION AND DOMESTIC FUEL SECURITY PROVISIONS

SEC. 201. INCLUSION OF CELLULOSIC BIOFUEL IN BONUS DEPRECIATION FOR BIOMASS ETHANOL PLANT PROPERTY.

(a) IN GENERAL.—Paragraph (3) of section 168(l) is amended to read as follows:

''(3) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means any liquid fuel which is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis.''.

(b) CONFORMING AMENDMENTS.—Subsection (l) of section 168 is amended—

(1) by striking ''cellulosic biomass ethanol'' each place it appears and inserting ''cellulosic biofuel'',

(2) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of such subsection and inserting ''CELLULOSIC BIOFUEL'', and

(3) by striking ''CELLULOSIC BIOMASS ETHANOL'' in the heading of paragraph (2) thereof and inserting ''CELLULOSIC BIOFUEL''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 202. CREDITS FOR BIODIESEL AND RENEWABLE DIESEL.

(a) IN GENERAL.—Sections 40A(g), 6426(c)(6), and 6427(e)(5)(B) are each amended by striking ''December 31, 2008'' and inserting ''December 31, 2011''.

(b) INCREASE IN RATE OF CREDIT.—

(1) INCOME TAX CREDIT.—Paragraphs (1)(A) and (2)(A) of section 40A(b) are each amended by striking ''50 cents'' and inserting ''$1.00''.

(2) EXCISE TAX CREDIT.—Paragraph (2) of section 6426(c) is amended to read as follows:

''(2) APPLICABLE AMOUNT.—For purposes of this subsection, the applicable amount is $1.00.''.

(3) CONFORMING AMENDMENTS.—

(A) Subsection (b) of section 40A is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(B) Paragraph (2) of section 40A(f) is amended to read as follows:

''(2) EXCEPTION.—Subsection (b)(4) shall not apply with respect to renewable diesel.''.

(C) Paragraphs (2) and (3) of section 40A(e) are each amended by striking ''subsection (b)(5)(C)'' and inserting ''subsection (b)(4)(C)''.

(D) Clause (ii) of section 40A(d)(3)(C) is amended by striking ''subsection (b)(5)(B)'' and inserting ''subsection (b)(4)(B)''.

(c) UNIFORM TREATMENT OF DIESEL PRODUCED FROM BIOMASS.—Paragraph (3) of section 40A(f) is amended—

(1) by striking ''diesel fuel'' and inserting ''liquid fuel'',

(2) by striking ''using a thermal depolymerization process'', and

(3) by striking ''or D396'' in subparagraph (B) and inserting '', D396, or other equivalent standard approved by the Secretary''.

(d) ELIGIBILITY OF CERTAIN AVIATION FUEL.—Subsection (f) of section 40A (relating to renewable diesel) is amended by adding at the end the following new paragraph:

''(4) CERTAIN AVIATION FUEL.—

''(A) IN GENERAL.—Except as provided in the last sentence of paragraph (3), the term 'renewable diesel' shall include fuel derived from biomass which meets the requirements of a Department of Defense specification for military jet fuel or an American Society of Testing and Materials specification for aviation turbine fuel.

''(B) APPLICATION OF MIXTURE CREDITS.—In the case of fuel which is treated as renewable diesel solely by reason of subparagraph (A), subsection (b)(1) and section 6426(c) shall be applied with respect to such fuel by treating kerosene as though it were diesel fuel.''.

(e) MODIFICATION OF CREDIT FOR RENEWABLE DIESEL.—Section 40A(f) (relating to renewable diesel), as amended by subsection (d), is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR CO-PROCESSED RENEWABLE DIESEL.—In the case of a taxpayer which produces renewable diesel through the co-processing of biomass and petroleum at any facility, this subsection shall not apply to so much of the renewable diesel produced at such facility and sold or used during the taxable year in a qualified biodiesel mixture as exceeds 60,000,000 gallons.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2008.

(2) COPRODUCTION OF RENEWABLE DIESEL WITH PETROLEUM FEEDSTOCK.—The amendments made by subsection (e) shall apply to fuel produced, and sold or used, after the date of the enactment of this Act.

SEC. 203. CLARIFICATION THAT CREDITS FOR FUEL ARE DESIGNED TO PROVIDE AN INCENTIVE FOR UNITED STATES PRODUCTION.

(a) ALCOHOL FUELS CREDIT.—Subsection (d) of section 40 is amended by adding at the end the following new paragraph:

''(7) LIMITATION TO ALCOHOL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(b) BIODIESEL FUELS CREDIT.—Subsection (d) of section 40A is amended by adding at the end the following new paragraph:

''(5) LIMITATION TO BIODIESEL WITH CONNECTION TO THE UNITED STATES.—No credit shall be determined under this section with respect to any biodiesel which is produced outside the United States for use as a fuel outside the United States. For purposes of this paragraph, the term 'United States' includes any possession of the United States.''.

(c) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Section 6426 is amended by adding at the end the following new subsection:

''(i) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—

''(1) ALCOHOL.—No credit shall be determined under this section with respect to any alcohol which is produced outside the United States for use as a fuel outside the United States.

''(2) BIODIESEL AND ALTERNATIVE FUELS.—No credit shall be determined under this section with respect to any biodiesel or alternative fuel which is produced outside the United States for use as a fuel outside the United States.

For purposes of this subsection, the term 'United States' includes any possession of the United States.''.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) LIMITATION TO FUELS WITH CONNECTION TO THE UNITED STATES.—No amount shall be payable under paragraph (1) or (2) with respect to any mixture or alternative fuel if credit is not allowed with respect to such mixture or alternative fuel by reason of section 6426(i).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to claims for credit or payment made on or after May 15, 2008.

SEC. 204. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE CREDIT.—Subpart B of part IV of subchapter A of chapter 1 (relating to other credits) is amended by adding at the end the following new section:

''SEC. 30D. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the applicable amount with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

''(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is sum of—

''(A) $2,500, plus

''(B) $400 for each kilowatt hour of traction battery capacity in excess of 6 kilowatt hours.

''(b) LIMITATIONS.—

''(1) LIMITATION BASED ON WEIGHT.—The amount of the credit allowed under subsection (a) by reason of subsection (a)(2) shall not exceed—

''(A) $7,500, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of not more than 10,000 pounds,

''(B) $10,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 10,000 pounds but not more than 14,000 pounds,

''(C) $12,500, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

''(D) $15,000, in the case of any new qualified plug-in electric drive motor vehicle with a gross vehicle weight rating of more than 26,000 pounds.

''(2) LIMITATION ON NUMBER OF PASSENGER VEHICLES AND LIGHT TRUCKS ELIGIBLE FOR CREDIT.—

''(A) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

''(B) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the

period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the total number of such new qualified plug-in electric drive motor vehicles sold for use in the United States after December 31, 2007, is at least 250,000.

''(C) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 50 percent for the first 2 calendar quarters of the phaseout period,

''(ii) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

''(iii) 0 percent for each calendar quarter thereafter.

''(D) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection.

''(c) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section, the term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle—

''(1) which draws propulsion primarily using a traction battery with at least 6 kilowatt hours of capacity,

''(2) which uses an offboard source of energy to recharge such battery,

''(3) which, in the case of a passenger vehicle or light truck which has a gross vehicle weight rating of not more than 8,500 pounds, has received a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and

''(A) in the case of a vehicle having a gross vehicle weight rating of 6,000 pounds or less, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

''(B) in the case of a vehicle having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard which is so established,

''(4) the original use of which commences with the taxpayer,

''(5) which is acquired for use or lease by the taxpayer and not for resale, and

''(6) which is made by a manufacturer.

''(d) APPLICATION WITH OTHER CREDITS.—

''(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

''(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).

''(2) OTHER TERMS.—The terms 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(3) TRACTION BATTERY CAPACITY.—Traction battery capacity shall be measured in kilowatt hours from a 100 percent state of charge to a zero percent state of charge.

''(4) REDUCTION IN BASIS.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

''(5) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for a new qualified plug-in electric drive motor vehicle shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.

''(6) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a vehicle the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (b)(2)).

''(7) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1) or with respect to the portion of the cost of any property taken into account under section 179.

''(8) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of a vehicle).

''(9) ELECTION TO NOT TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects not to have this section apply to such vehicle.

''(10) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

''(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

''(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

''(f) REGULATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

''(2) COORDINATION IN PRESCRIPTION OF CERTAIN REGULATIONS.—The Secretary of the Treasury, in coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.

''(g) TERMINATION.—This section shall not apply to property purchased after December 31, 2014.''.

(b) COORDINATION WITH ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(d)(3) is amended by adding at the end the following new subparagraph:

''(D) EXCLUSION OF PLUG-IN VEHICLES.—Any vehicle with respect to which a credit is allowable under section 30D (determined without regard to subsection (d) thereof) shall not be taken into account under this section.''.

(c) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking ''plus'' at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting ''plus'', and by adding at the end the following new paragraph:

''(35) the portion of the new qualified plug-in electric drive motor vehicle credit to which section 30D(d)(1) applies.''.

(d) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by section 104, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(B) Section 25(e)(1)(C)(ii) is amended by inserting ''30D,'' after ''25D,''.

(C) Section 25B(g)(2), as amended by section 104, is amended by striking ''and 25D'' and inserting '', 25D, and 30D''.

(D) Section 26(a)(1), as amended by section 104, is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(E) Section 1400C(d)(2) is amended by striking ''and 25D'' and inserting ''25D, and 30D''.

(2) Section 1016(a) is amended by striking ''and'' at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting '', and'', and by adding at the end the following new paragraph:

''(37) to the extent provided in section 30D(e)(4).''.

(3) Section 6501(m) is amended by inserting ''30D(e)(9),'' after ''30C(e)(5),''.

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 30D. New qualified plug-in electric drive motor vehicles.''.

(e) EFFECTIVE DATE.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(f) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (d)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 205. EXTENSION AND MODIFICATION OF ALTERNATIVE MOTOR VEHICLE CREDIT.

(a) EXTENSION.—

(1) NEW ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLES AND HEAVY NEW QUALIFIED HYBRID MOTOR VEHICLES.—Paragraphs (2) and (3) of section 30B(j) are amended to read as follows:

''(2) in the case of a new advanced lean burn technology motor vehicle (as described in subsection (c)), December 31, 2011,

''(3) in the case of—

''(A) a new qualified hybrid motor vehicle (as described in subsection (d)(2)(A)), December 31, 2010, and

''(B) a new qualified hybrid motor vehicle (as described in subsection (d)(2)(B)), December 31, 2011, and''.

(2) NEW QUALIFIED ALTERNATIVE FUEL VEHICLES.—Paragraph (4) of section 30B(j) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) INCREASED CREDIT FOR CERTAIN NEW QUALIFIED FUEL CELL MOTOR VEHICLES.—

Subparagraph (A) of section 30B(b)(1) is amended by striking ''$4,000'' and inserting ''$7,500''.

(c) PERSONAL CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Paragraph (2) of section 30B(g) is amended to read as follows:

''(2) PERSONAL CREDIT.—

''(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

''(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) (after the application of paragraph (1)) for any taxable year shall not exceed the excess (if any) of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under subpart A (other than this section and sections 23, 25D, and 30D) and section 27 for the taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A)(i) Section 24(b)(3)(B), as amended by this Act, is amended by striking ''and 30D'' and inserting ''30B, and 30D''.

(ii) Section 25(e)(1)(C)(ii), as amended by this Act, is amended by inserting ''30B,'' after ''25D,''.

(iii) Section 25B(g)(2), as amended by this Act, is amended by striking ''and 30D'' and inserting '', 30B, and 30D''.

(iv) Section 26(a)(1), as amended by this Act, is amended by striking ''and 30D'' and inserting ''30B, and 30D''.

(v) Section 1400C(d)(2), as amended by this Act, is amended by striking ''and 30D'' and inserting ''30B, and 30D''.

(B) Subparagraph (A) of section 30C(d)(2) is amended by striking ''sections 27, 30, and 30B'' and inserting ''sections 27 and 30''.

(C) Section 55(c)(3) is amended by striking ''30B(g)(2),''.

(d) EFFECTIVE DATE.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(e) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (c)(2)(A)(i) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 206. EXCLUSION FROM HEAVY TRUCK TAX FOR IDLING REDUCTION UNITS AND ADVANCED INSULATION.

(a) IN GENERAL.—Section 4053 is amended by adding at the end the following new paragraphs:

''(9) IDLING REDUCTION DEVICE.—Any device or system of devices which—

''(A) is designed to provide to a vehicle those services (such as heat, air conditioning, or electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary using one or more devices affixed to a tractor, and

''(B) is determined by the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy and the Secretary of Transportation, to reduce idling of such vehicle at a motor vehicle rest stop or other location where such vehicles are temporarily parked or remain stationary.

''(10) ADVANCED INSULATION.—Any insulation that has an R value of not less than R35 per inch.''.

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

SEC. 207. EXTENSION AND MODIFICATION OF ALTERNATIVE FUEL CREDIT.

(a) EXTENSION.—

(1) ALTERNATIVE FUEL CREDIT.—Paragraph (4) of section 6426(d) (relating to alternative fuel credit) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2011''.

(2) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) (relating to alternative fuel mixture credit) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2011''.

(3) PAYMENTS.—Subparagraph (C) of section 6427(e)(5) (relating to termination) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2011''.

(b) MODIFICATIONS.—

(1) ALTERNATIVE FUEL TO INCLUDE COMPRESSED OR LIQUIFIED BIOMASS GAS.—Paragraph (2) of section 6426(d) (relating to alternative fuel credit) is amended by striking ''and'' at the end of subparagraph (E), by redesignating subparagraph (F) as subparagraph (G), and by inserting after subparagraph (E) the following new subparagraph:

''(F) compressed or liquefied biomass gas, and''.

(2) CREDIT ALLOWED FOR AVIATION USE OF FUEL.—Paragraph (1) of section 6426(d) is amended by inserting ''sold by the taxpayer for use as a fuel in aviation,'' after ''motorboat,''.

(c) CARBON CAPTURE REQUIREMENT FOR CERTAIN FUELS.—

(1) IN GENERAL.—Subsection (d) of section 6426, as amended by subsection (a), is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) CARBON CAPTURE REQUIREMENT.—

''(A) IN GENERAL.—The requirements of this paragraph are met if the fuel is certified, under such procedures as required by the Secretary, as having been derived from coal produced at a gasification facility which separates and sequesters not less than the applicable percentage of such facility's total carbon dioxide emissions.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

''(i) 50 percent in the case of fuel produced after the date of the enactment of this paragraph and on or before the earlier of—

''(I) the date the Secretary makes a determination under subparagraph (C), or

''(II) December 30, 2011, and

''(ii) 75 percent in the case of fuel produced after the date on which the applicable percentage under clause (i) ceases to apply.

''(C) DETERMINATION TO INCREASE APPLICABLE PERCENTAGE BEFORE DECEMBER 31, 2011.—If the Secretary, after considering the recommendations of the Carbon Sequestration Capability Panel, finds that the applicable percentage under subparagraph (B) should be 75 percent for fuel produced before December 31, 2011, the Secretary shall make a determination under this subparagraph. Any determination made under this subparagraph shall be made not later than 30 days after the Secretary receives from the Carbon Sequestration Panel the report required under section 331(c)(3)(D) of the Energy Independence and Investment Act of 2008.''.

(2) CONFORMING AMENDMENT.—Subparagraph (E) of section 6426(d)(2) is amended by inserting ''which meets the requirements of paragraph (4) and which is'' after ''any liquid fuel''.

(3) CARBON SEQUESTRATION CAPABILITY PANEL.—

(A) ESTABLISHMENT OF PANEL.—There is established a panel to be known as the ''Carbon Sequestration Capability Panel'' (hereafter in this paragraph referred to as the ''Panel'').

(B) MEMBERSHIP.—The Panel shall be composed of—

(i) 1 representative from the National Academy of Sciences,

(ii) 1 representative from the University of Kentucky Center for Applied Energy Research, and

(iii) 1 individual appointed jointly by the representatives under clauses (i) and (ii).

(C) STUDY.—The Panel shall study the appropriate percentage of carbon dioxide for separation and sequestration under section 6426(d)(4) of the Internal Revenue Code of 1986 consistent with the purposes of such section. The panel shall consider whether it is feasible to separate and sequester 75 percent of the carbon dioxide emissions of a facility, including costs and other factors associated with separating and sequestering such percentage of carbon dioxide emissions.

(D) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Panel shall report to the Secretary of Treasury, the Committee on Finance of the Senate, and the Committee on Ways and Means of the House of Representatives on the study under subparagraph (C).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after the date of the enactment of this Act.

SEC. 208. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.

(a) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2012''.

(b) INCLUSION OF ELECTRICITY AS A CLEAN-BURNING FUEL.—Section 30C(c)(2) is amended by adding at the end the following new subparagraph:

''(C) Electricity.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 209. CERTAIN INCOME AND GAINS RELATING TO ALCOHOL FUELS AND MIXTURES, BIODIESEL FUELS AND MIXTURES, AND ALTERNATIVE FUELS AND MIXTURES TREATED AS QUALIFYING INCOME FOR PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Subparagraph (E) of section 7704(d)(1) is amended by inserting '', or the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of section 6426, or any alcohol fuel defined in section 6426(b)(4)(A) or any biodiesel fuel as defined in section 40A(d)(1)'' after ''timber)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, in taxable years ending after such date.

SEC. 210. EXTENSION OF ETHANOL PRODUCTION CREDIT.

(a) CREDIT FOR ALCOHOL USED AS FUEL.—Section 40 is amended—

(1) by striking ''2010'' each place it appears in subsections (e)(1)(A) and (h) and inserting ''2011'', and

(2) by striking ''January 1, 2011'' in subsection (e)(1)(B) and inserting ''January 1, 2012''.

(b) EXCISE TAX CREDITS.—Paragraph (6) of section 6426(b) is amended by striking ''2010'' and inserting ''2011''.

(c) PAYMENTS.—Subparagraph (A) of section 6427(e)(5) is amended by striking ''2010'' and inserting ''2011''.

SEC. 211. CREDIT FOR PRODUCERS OF FOSSIL FREE ALCOHOL.

(a) IN GENERAL.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking ''plus'' at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting '', plus'', and by adding at the end the following new paragraph:

''(5) the small fossil free alcohol producer credit.''.

(b) SMALL FOSSIL FREE ALCOHOL PRODUCER CREDIT.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

''(7) SMALL FOSSIL FREE ALCOHOL PRODUCER CREDIT.—

''(A) IN GENERAL.—In addition to any other credit allowed under this section, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 10 cents for each gallon of not more than 60,000,000 gallons of qualified fossil free alcohol production.

''(B) QUALIFIED FOSSIL FREE ALCOHOL PRODUCTION.—For purposes of this section, the term 'qualified fossil free alcohol production' means alcohol which is produced by an eligible small fossil free alcohol producer at a fossil free alcohol production facility and which during the taxable year—

''(i) is sold by the taxpayer to another person—

''(I) for use by such other person in the production of a qualified alcohol mixture in such other person's trade or business (other than casual off-farm production),

''(II) for use by such other person as a fuel in a trade or business, or

''(III) who sells such alcohol at retail to another person and places such alcohol in the fuel tank of such other person, or

''(ii) is used or sold by the taxpayer for any purpose described in clause (i).

''(C) ADDITIONAL DISTILLATION EXCLUDED.—The qualified fossil free alcohol production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.''.

(c) ELIGIBLE SMALL FOSSIL FREE ALCOHOL PRODUCER.—Section 40 is amended by adding at the end the following new subsection:

''(i) DEFINITIONS AND SPECIAL RULES FOR SMALL FOSSIL FREE ALCOHOL PRODUCER.—For purposes of this section—

''(1) IN GENERAL.—The term 'eligible small fossil free alcohol producer' means a person, who at all times during the taxable year, has a productive capacity for alcohol from all fossil free alcohol production facilities of the taxpayer which is not in excess of 60,000,000 gallons.

''(2) FOSSIL FREE ALCOHOL PRODUCTION FACILITY.—The term 'fossil free alcohol production facility' means any facility at which 90 percent of the energy used in the production of alcohol is produced from biomass (as defined in section 45K(c)(3)).

''(3) AGGREGATION RULE.—For purposes of the 60,000,000 gallon limitation under paragraph (1) and subsection (b)(7)(A), all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

''(4) PARTNERSHIP, S CORPORATIONS, AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, the limitation contained in paragraph (1) shall be applied at the entity level and at the partner or similar level.

''(5) ALLOCATION.—For purposes of this subsection, in the case of a facility in which more than 1 person has an interest, productive capacity shall be allocated among such persons in such manner as the Secretary may prescribe.

''(6) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to prevent the credit provided for in subsection (a)(5) from directly or indirectly benefitting any person with a direct or indirect productive capacity of more than 60,000,000 gallons of alcohol from fossil free alcohol production facilities during the taxable year.

''(7) ALLOCATION OF SMALL FOSSIL FREE ALCOHOL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this subsection.''.

(d) ALCOHOL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:

''(E) SMALL FOSSIL FREE ALCOHOL PRODUCER CREDIT.—If—

''(i) any credit is allowed under subsection (a)(5), and

''(ii) any person does not use such fuel for a purpose described in subsection (b)(7)(B),

then there is hereby imposed on such person a tax equal to 10 cents for each gallon of such alcohol.''.

(2) CONFORMING AMENDMENT.—Subparagraph (F) of section 40(d)(3), as redesignated by paragraph (1) and amended by this Act, is amended by striking ''or (D)'' and inserting ''(D), or (E)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2008.

SEC. 212. EXTENSION AND MODIFICATION OF ELECTION TO EXPENSE CERTAIN REFINERIES.

(a) EXTENSION.—Paragraph (1) of section 179C(c) (relating to qualified refinery property) is amended—

(1) by striking ''January 1, 2012'' in subparagraph (B) and inserting ''January 1, 2014'', and

(2) by striking ''January 1, 2008'' each place it appears in subparagraph (F) and inserting ''January 1, 2010''.

(b) INCLUSION OF FUEL DERIVED FROM SHALE AND TAR SANDS.—

(1) IN GENERAL.—Subsection (d) of section 179C is amended by inserting '', or directly from shale or tar sands'' after ''(as defined in section 45K(c))''.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 179C(e) is amended by inserting ''shale, tar sands, or'' before ''qualified fuels''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 213. EXTENSION OF SUSPENSION OF TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

Subparagraph (H) of section 613A(c)(6) (relating to oil and gas produced from marginal properties) is amended by striking ''January 1, 2008'' and inserting ''January 1, 2011''.

TITLE III—ENERGY CONSERVATION AND EFFICIENCY PROVISIONS

SEC. 301. QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1, as amended by section 106, is amended by adding at the end the following new section:

''SEC. 54D. QUALIFIED ENERGY CONSERVATION BONDS.

''(a) QUALIFIED ENERGY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified energy conservation bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified conservation purposes,

''(2) the bond is issued by a State or local government, and

''(3) the issuer designates such bond for purposes of this section.

''(b) REDUCED CREDIT AMOUNT.—The annual credit determined under section 54A(b) with respect to any qualified energy conservation bond shall be 70 percent of the amount so determined without regard to this subsection.

''(c) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (e).

''(d) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified energy conservation bond limitation of $3,000,000,000.

''(e) ALLOCATIONS.—

''(1) IN GENERAL.—The limitation applicable under subsection (d) shall be allocated by the Secretary among the States in proportion to the population of the States.

''(2) ALLOCATIONS TO LARGEST LOCAL GOVERNMENTS.—

''(A) IN GENERAL.—In the case of any State in which there is a large local government, each such local government shall be allocated a portion of such State's allocation which bears the same ratio to the State's allocation (determined without regard to this subparagraph) as the population of such large local government bears to the population of such State.

''(B) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local government may be reallocated by such local government to the State in which such local government is located.

''(C) LARGE LOCAL GOVERNMENT.—For purposes of this section, the term 'large local government' means any municipality or county if such municipality or county has a population of 100,000 or more.

''(3) ALLOCATION TO ISSUERS; RESTRICTION ON PRIVATE ACTIVITY BONDS.—Any allocation under this subsection to a State or large local government shall be allocated by such State or large local government to issuers within the State in a manner that results in not less than 70 percent of the allocation to such State or large local government being used to designate bonds which are not private activity bonds.

''(f) QUALIFIED CONSERVATION PURPOSE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified conservation purpose' means any of the following:

''(A) Capital expenditures incurred for purposes of—

''(i) reducing energy consumption in publicly-owned buildings by at least 20 percent,

''(ii) implementing green community programs,

''(iii) rural development involving the production of electricity from renewable energy resources, or

''(iv) any qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and without regard to any placed in service date).

''(B) Expenditures with respect to research facilities, and research grants, to support research in—

''(i) development of cellulosic ethanol or other nonfossil fuels,

''(ii) technologies for the capture and sequestration of carbon dioxide produced through the use of fossil fuels,

''(iii) increasing the efficiency of existing technologies for producing nonfossil fuels,

''(iv) automobile battery technologies and other technologies to reduce fossil fuel consumption in transportation, or

''(v) technologies to reduce energy use in buildings.

''(C) Mass commuting facilities and related facilities that reduce the consumption of energy, including expenditures to reduce pollution from vehicles used for mass commuting.

''(D) Demonstration projects designed to promote the commercialization of—

''(i) green building technology,

''(ii) conversion of agricultural waste for use in the production of fuel or otherwise,

''(iii) advanced battery manufacturing technologies,

''(iv) technologies to reduce peak use of electricity, or

''(v) technologies for the capture and sequestration of carbon dioxide emitted from combusting fossil fuels in order to produce electricity.

''(E) Public education campaigns to promote energy efficiency.

''(2) SPECIAL RULES FOR PRIVATE ACTIVITY BONDS.—For purposes of this section, in the case of any private activity bond, the term 'qualified conservation purposes' shall not include any expenditure which is not a capital expenditure.

''(g) POPULATION.—

''(1) IN GENERAL.—The population of any State or local government shall be determined for purposes of this section as provided in section 146(j) for the calendar year which includes the date of the enactment of this section.

''(2) SPECIAL RULE FOR COUNTIES.—In determining the population of any county for purposes of this section, any population of such county which is taken into account in determining the population of any municipality which is a large local government shall not be taken into account in determining the population of such county.

''(h) APPLICATION TO INDIAN TRIBAL GOVERNMENTS.—An Indian tribal government shall be treated for purposes of this section in the same manner as a large local government, except that—

''(1) an Indian tribal government shall be treated for purposes of subsection (e) as located within a State to the extent of so much of the population of such government as resides within such State, and

''(2) any bond issued by an Indian tribal government shall be treated as a qualified energy conservation bond only if issued as part of an issue the available project proceeds of which are used for purposes for which such Indian tribal government could issue bonds to which section 103(a) applies.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d), as amended by this Act, is amended to read as follows:

''(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means—

''(A) a qualified forestry conservation bond,

''(B) a new clean renewable energy bond, or

''(C) a qualified energy conservation bond, which is part of an issue that meets requirements of paragraphs (2), (3), (4), (5), and (6).''.

(2) Subparagraph (C) of section 54A(d)(2), as amended by this Act, is amended to read as follows:

''(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

''(i) in the case of a qualified forestry conservation bond, a purpose specified in section 54B(e),

''(ii) in the case of a new clean renewable energy bond, a purpose specified in section 54C(a)(1), and

''(iii) in the case of a qualified energy conservation bond, a purpose specified in section 54D(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

''Sec. 54D. Qualified energy conservation bonds.''.

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

SEC. 302. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION OF CREDIT.—Section 25C(g) is amended by striking ''placed in service after December 31, 2007'' and inserting ''placed in service—

''(1) after December 31, 2007, and before January 1, 2009, or

''(2) after December 31, 2011.''.

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking ''and'' at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting '', and'', and

(C) by adding at the end the following new subparagraph:

''(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.''.

(2) BIOMASS FUEL.—Section 25C(d) is amended by adding at the end the following new paragraph:

''(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.''.

(c) MODIFICATION OF WATER HEATER REQUIREMENTS.—Section 25C(d)(3)(E) is amended by inserting ''or a thermal efficiency of at least 90 percent'' after ''0.80''.

(d) COORDINATION WITH CREDIT FOR QUALIFIED GEOTHERMAL HEATPUMP PROPERTY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (3) of section 25C(d), as amended by subsections (b) and (c), is amended by striking subparagraph (C) and by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 25C(d)(2) is amended to read as follows:

''(C) REQUIREMENTS AND STANDARDS FOR AIR CONDITIONERS AND HEAT PUMPS.—The standards and requirements prescribed by the Secretary under subparagraph (B) with respect to the energy efficiency ratio (EER) for central air conditioners and electric heat pumps—

''(i) shall require measurements to be based on published data which is tested by manufacturers at 95 degrees Fahrenheit, and

''(ii) may be based on the certified data of the Air Conditioning and Refrigeration Institute that are prepared in partnership with the Consortium for Energy Efficiency.''.

(e) MODIFICATION OF QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) IN GENERAL.—Paragraph (1) of section 25C(c) is amended by inserting '', or an asphalt roof with appropriate cooling granules,'' before ''which meet the Energy Star program requirements''.

(2) BUILDING ENVELOPE COMPONENT.—Subparagraph (D) of section 25C(c)(2) is amended—

(A) by inserting ''or asphalt roof'' after ''metal roof'', and

(B) by inserting ''or cooling granules'' after ''pigmented coatings''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made this section shall apply to expenditures made after December 31, 2008.

(2) MODIFICATION OF QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—The amendments made by subsection (e) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 303. ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

Subsection (h) of section 179D is amended by striking ''December 31, 2008'' and inserting ''December 31, 2013''.

SEC. 304. NEW ENERGY EFFICIENT HOME CREDIT.

Subsection (g) of section 45L (relating to termination) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2011''.

SEC. 305. MODIFICATIONS OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M is amended to read as follows:

''(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

''(1) DISHWASHERS.—The applicable amount is—

''(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

''(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

''(2) CLOTHES WASHERS.—The applicable amount is—

''(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

''(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

''(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

''(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

''(3) REFRIGERATORS.—The applicable amount is—

''(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

''(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

''(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.''.

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M is amended—

(A) by striking paragraph (2),

(B) by striking ''(1) IN GENERAL'' and all that follows through ''the eligible'' and inserting ''The eligible'',

(C) by moving the text of such subsection in line with the subsection heading, and

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and by moving such paragraphs 2 ems to the left.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1), is amended by striking ''3-calendar year'' and inserting ''2-calendar year''.

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M is amended to read as follows:

''(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

''(1) dishwashers described in subsection (b)(1),

''(2) clothes washers described in subsection (b)(2), and

''(3) refrigerators described in subsection (b)(3).''.

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) is amended to read as follows:

''(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.''.

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

''(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).''.

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) is amended to read as follows:

''(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

''(A) any dishwasher described in subsection (b)(1),

''(B) any clothes washer described in subsection (b)(2), and

''(C) any refrigerator described in subsection (b)(3).''.

(2) CLOTHES WASHER.—Section 45M(f)(3) is amended by inserting ''commercial'' before ''residential'' the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

''(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.''.

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

''(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.''.

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f), as amended by paragraph (3), is amended by adding at the end the following:

''(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

''(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

SEC. 306. ACCELERATED RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.

(a) IN GENERAL.—Section 168(e)(3)(C) is amended by striking ''and'' at the end of clause (iv), by redesignating clause (v) as clause (vii), and by inserting after clause (iv) the following new clauses:

''(v) any qualified smart electric meter,

''(vi) any qualified smart electric grid system, and''.

(b) DEFINITIONS.—Section 168(i) is amended by inserting at the end the following new paragraph:

''(18) QUALIFIED SMART ELECTRIC METERS.—

''(A) IN GENERAL.—The term 'qualified smart electric meter' means any smart electric meter which is placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) SMART ELECTRIC METER.—For purposes of subparagraph (A), the term 'smart electric meter' means any time-based meter and related communication equipment which is capable of being used by the taxpayer as part of a system that—

''(i) measures and records electricity usage data on a time-differentiated basis in at least 24 separate time segments per day,

''(ii) provides for the exchange of information between supplier or provider and the customer's electric meter in support of time-based rates or other forms of demand response,

''(iii) provides data to such supplier or provider so that the supplier or provider can provide energy usage information to customers electronically, and

''(iv) provides net metering.

''(19) QUALIFIED SMART ELECTRIC GRID SYSTEMS.—

''(A) IN GENERAL.—The term 'qualified smart electric grid system' means any smart grid property used as part of a system for electric distribution grid communications, monitoring, and management placed in service by a taxpayer who is a supplier of electric energy or a provider of electric energy services.

''(B) SMART GRID PROPERTY.—For the purposes of subparagraph (A), the term 'smart grid property' means electronics and related equipment that is capable of—

''(i) sensing, collecting, and monitoring data of or from all portions of a utility's electric distribution grid,

''(ii) providing real-time, two-way communications to monitor or manage such grid, and

''(iii) providing real time analysis of and event prediction based upon collected data that can be used to improve electric distribution system reliability, quality, and performance.''.

(c) CONTINUED APPLICATION OF 150 PERCENT DECLINING BALANCE METHOD.—Paragraph (2) of section 168(b) is amended by striking ''or'' at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

''(C) any property (other than property described in paragraph (3)) which is a qualified smart electric meter or qualified smart electric grid system, or''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 307. QUALIFIED GREEN BUILDING AND SUSTAINABLE DESIGN PROJECTS.

(a) IN GENERAL.—Paragraph (8) of section 142(l) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(b) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraph (9) of section 142(l) is amended by striking ''October 1, 2009'' and inserting ''October 1, 2012''.

(c) ACCOUNTABILITY.—The second sentence of section 701(d) of the American Jobs Creation Act of 2004 is amended by striking ''issuance,'' and inserting ''issuance of the last issue with respect to such project,''.

SEC. 308. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.

(a) IN GENERAL.—Section 168 is amended by adding at the end the following new subsection:

''(m) SPECIAL ALLOWANCE FOR CERTAIN REUSE AND RECYCLING PROPERTY.—

''(1) IN GENERAL.—In the case of any qualified reuse and recycling property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of the qualified reuse and recycling property, and

''(B) the adjusted basis of the qualified reuse and recycling property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED REUSE AND RECYCLING PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified reuse and recycling property' means any reuse and recycling property—

''(i) to which this section applies,

''(ii) which has a useful life of at least 5 years,

''(iii) the original use of which commences with the taxpayer after August 31, 2008, and

''(iv) which is—

''(I) acquired by purchase (as defined in section 179(d)(2)) by the taxpayer after August 31, 2008, but only if no written binding contract for the acquisition was in effect before September 1, 2008, or

''(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after August 31, 2008.

''(B) EXCEPTIONS.—

''(i) BONUS DEPRECIATION PROPERTY UNDER SUBSECTION (k).—The term 'qualified reuse and recycling property' shall not include any property to which section 168(k) applies.

''(ii) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified reuse and recycling property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined without regard to paragraph (7) of subsection (g) (relating to election to have system apply).

''(iii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(C) SPECIAL RULE FOR SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iv) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after August 31, 2008.

''(D) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for qualified reuse and recycling property shall be determined under this section without regard to any adjustment under section 56.

''(3) DEFINITIONS.—For purposes of this subsection—

''(A) REUSE AND RECYCLING PROPERTY.—

''(i) IN GENERAL.—The term 'reuse and recycling property' means any machinery and equipment (not including buildings or real estate), along with all appurtenances thereto, including software necessary to operate such equipment, which is used exclusively to collect, distribute, or recycle qualified reuse and recyclable materials.

''(ii) EXCLUSION.—Such term does not include rolling stock or other equipment used to transport reuse and recyclable materials.

''(B) QUALIFIED REUSE AND RECYCLABLE MATERIALS.—

''(i) IN GENERAL.—The term 'qualified reuse and recyclable materials' means scrap plastic, scrap glass, scrap textiles, scrap rubber, scrap packaging, recovered fiber, scrap ferrous and nonferrous metals, or electronic scrap generated by an individual or business.

''(ii) ELECTRONIC SCRAP.—For purposes of clause (i), the term 'electronic scrap' means—

''(I) any cathode ray tube, flat panel screen, or similar video display device with a screen size greater than 4 inches measured diagonally, or

''(II) any central processing unit.

''(C) RECYCLING OR RECYCLE.—The term 'recycling' or 'recycle' means that process (including sorting) by which worn or superfluous materials are manufactured or processed into specification grade commodities that are suitable for use as a replacement or substitute for virgin materials in manufacturing tangible consumer and commercial products, including packaging.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after August 31, 2008.

TITLE IV—MISCELLANEOUS ENERGY PROVISIONS

SEC. 401. SPECIAL RULE TO IMPLEMENT FERC AND STATE ELECTRIC RESTRUCTURING POLICY.

(a) EXTENSION FOR QUALIFIED ELECTRIC UTILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 451(i) is amended by inserting ''(before January 1, 2010, in the case of a qualified electric utility)'' after ''January 1, 2008''.

(2) QUALIFIED ELECTRIC UTILITY.—Subsection (i) of section 451 is amended by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively, and by inserting after paragraph (5) the following new paragraph:

''(6) QUALIFIED ELECTRIC UTILITY.—For purposes of this subsection, the term 'qualified electric utility' means a person that, as of the date of the qualifying electric transmission transaction, is vertically integrated, in that it is both—

''(A) a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23))) with respect to the transmission facilities to which the election under this subsection applies, and

''(B) an electric utility (as defined in section 3(22) of the Federal Power Act (16 U.S.C. 796(22))).''.

(b) EXTENSION OF PERIOD FOR TRANSFER OF OPERATIONAL CONTROL AUTHORIZED BY FERC.—Clause (ii) of section 451(i)(4)(B) is amended by striking ''December 31, 2007'' and inserting ''the date which is 4 years after the close of the taxable year in which the transaction occurs''.

(c) PROPERTY LOCATED OUTSIDE THE UNITED STATES NOT TREATED AS EXEMPT UTILITY PROPERTY.—Paragraph (5) of section 451(i) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The term 'exempt utility property' shall not include any property which is located outside the United States.''.

(d) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to transactions after December 31, 2007.

(2) TRANSFERS OF OPERATIONAL CONTROL.—The amendment made by subsection (b) shall take effect as if included in section 909 of the American Jobs Creation Act of 2004.

(3) EXCEPTION FOR PROPERTY LOCATED OUTSIDE THE UNITED STATES.—The amendment made by subsection (c) shall apply to transactions after the date of the enactment of this Act.

SEC. 402. MODIFICATION OF CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.

(a) IN GENERAL.—Paragraph (2) of section 45J(b) (relating to national limitation) is amended by striking ''6,000 megawatts'' and inserting ''8,000 megawatts''.

(b) ALLOCATION OF CREDIT TO PRIVATE PARTNERS OF TAX-EXEMPT ENTITIES.—

(1) IN GENERAL.—Section 45J (relating to credit for production from advanced nuclear power facilities) is amended—

(A) by redesignating subsection (e) as subsection (f), and

(B) by inserting after subsection (d) the following new subsection:

''(e) SPECIAL RULE FOR PUBLIC-PRIVATE PARTNERSHIPS.—

''(1) IN GENERAL.—In the case of an advanced nuclear power facility which is owned by a public-private partnership, any qualified public entity which is a member of such partnership may transfer such entity's allocation of the credit under subsection (a) to any non-public entity which is a member of such partnership, except that the aggregate allocations of such credit claimed by such non-public entity shall be subject to the limitations under subsections (b) and (c) and section 38(c).

''(2) QUALIFIED PUBLIC ENTITY.—For purposes of this subsection, the term 'qualified public entity' means a Federal, State, or local government entity, or any political subdivision thereof, or a cooperative organization described in section 1381(a).

''(3) VERIFICATION OF TRANSFER OF ALLOCATION.—A qualified public entity that makes a transfer under paragraph (1), and a non-public entity that receives an allocation under such a transfer, shall provide verification of such transfer in such manner and at such time as the Secretary shall prescribe.''.

(2) COORDINATION WITH GENERAL BUSINESS CREDIT.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR CREDIT FOR PRODUCTION FROM ADVANCED NUCLEAR POWER FACILITIES.—

''(A) IN GENERAL.—In the case of the credit for production from advanced nuclear power facilities determined under section 45J(a), paragraph (1) shall not apply with respect to any qualified public entity (as defined in section 45J(e)(2)) which transfers the entity's allocation of such credit to a non-public partner as provided in section 45J(e)(1).

''(B) VERIFICATION OF TRANSFER.—Subparagraph (A) shall not apply to any qualified public entity unless such entity provides verification of a transfer of credit allocation as required under section 45J(e)(3).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to electricity produced in taxable years beginning after the date of the enactment of this Act.

(2) ALLOCATION OF CREDIT.—The amendments made by subsection (b) shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 403. INCOME AVERAGING FOR AMOUNTS RECEIVED IN CONNECTION WITH THE EXXON VALDEZ LITIGATION.

(a) INCOME AVERAGING OF AMOUNTS RECEIVED FROM THE EXXON VALDEZ LITIGATION.—For purposes of section 1301 of the Internal Revenue Code of 1986—

(1) any qualified taxpayer who receives any qualified settlement income in any taxable year shall be treated as engaged in a fishing business (determined without regard to the commercial nature of the business), and

(2) such qualified settlement income shall be treated as income attributable to such a fishing business for such taxable year.

(b) CONTRIBUTIONS OF AMOUNTS RECEIVED TO RETIREMENT ACCOUNTS.—

(1) IN GENERAL.—Any qualified taxpayer who receives qualified settlement income during the taxable year may, at any time before the end of the taxable year in which such income was received, make one or more contributions to an eligible retirement plan of which such qualified taxpayer is a beneficiary in an aggregate amount not to exceed the lesser of—

(A) $100,000 (reduced by the amount of qualified settlement income contributed to an eligible retirement plan in prior taxable years pursuant to this subsection), or

(B) the amount of qualified settlement income received by the individual during the taxable year.

(2) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of paragraph (1), a qualified taxpayer shall be deemed to have made a contribution to an eligible retirement plan on the last day of the taxable year in which such income is received if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

(3) TREATMENT OF CONTRIBUTIONS TO ELIGIBLE RETIREMENT PLANS.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income, then—

(A) except as provided in paragraph (4)—

(i) to the extent of such contribution, the qualified settlement income shall not be included in taxable income, and

(ii) for purposes of section 72 of such Code, such contribution shall not be considered to be investment in the contract,

(B) the qualified taxpayer shall, to the extent of the amount of the contribution, be treated—

(i) as having received the qualified settlement income—

(I) in the case of a contribution to an individual retirement plan (as defined under section 7701(a)(37) of such Code), in a distribution described in section 408(d)(3) of such Code, and

(II) in the case of any other eligible retirement plan, in an eligible rollover distribution (as defined under section 402(f)(2) of such Code), and

(ii) as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution,

(C) section 408(d)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts treated as a rollover under this paragraph, and

(D) section 408A(c)(3)(B) of the Internal Revenue Code of 1986 shall not apply with respect to amounts contributed to a Roth IRA (as defined under section 408A(b) of such Code) or a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code) under this paragraph.

(4) SPECIAL RULE FOR ROTH IRAS AND ROTH 401(k)S.—For purposes of the Internal Revenue Code of 1986, if a contribution is made pursuant to paragraph (1) with respect to qualified settlement income to a Roth IRA (as defined under section 408A(b) of such Code) or as a designated Roth contribution to an applicable retirement plan (within the meaning of section 402A of such Code), then—

(A) the qualified settlement income shall be includible in taxable income, and

(B) for purposes of section 72 of such Code, such contribution shall be considered to be investment in the contract.

(5) ELIGIBLE RETIREMENT PLAN.—For purpose of this subsection, the term ''eligible retirement plan'' has the meaning given such term under section 402(c)(8)(B) of the Internal Revenue Code of 1986.

(c) TREATMENT OF QUALIFIED SETTLEMENT INCOME UNDER EMPLOYMENT TAXES.—

(1) SECA.—For purposes of chapter 2 of the Internal Revenue Code of 1986 and section 211 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as self-employment income.

(2) FICA.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, no portion of qualified settlement income received by a qualified taxpayer shall be treated as wages.

(d) QUALIFIED TAXPAYER.—For purposes of this section, the term ''qualified taxpayer'' means—

(1) any individual who is a plaintiff in the civil action *In re Exxon Valdez*, No. 89–095–CV (HRH) (Consolidated) (D. Alaska); or

(2) any individual who is a beneficiary of the estate of such a plaintiff who—

(A) acquired the right to receive qualified settlement income from that plaintiff; and

(B) was the spouse or an immediate relative of that plaintiff.

(e) QUALIFIED SETTLEMENT INCOME.—For purposes of this section, the term ''qualified settlement income'' means any interest and punitive damage awards which are—

(1) otherwise includible in taxable income, and

(2) received (whether as lump sums or periodic payments) in connection with the civil action *In re Exxon Valdez*, No. 89–095–CV (HRH) (Consolidated) (D. Alaska) (whether pre- or post-judgment and whether related to a settlement or judgment).

TITLE V—REVENUE PROVISIONS

SEC. 501. LIMITATION OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES AND STATE-OWNED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.—

(1) IN GENERAL.—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by inserting after clause (iii) the following new clause:

''(iv) in the case of any disqualified oil company, the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof.''.

(2) DISQUALIFIED OIL COMPANY.—Section 199(c) of such Code is amended by adding at the end the following new paragraph:

''(8) DISQUALIFIED OIL COMPANY.—

''(A) IN GENERAL.—The term 'disqualified oil company' means—

''(i) any major integrated oil company (as defined in section 167(h)(5)(B)) during any taxable year described in section 167(h)(5)(B), or

''(ii) any controlled commercial entity (as defined in section 892(a)(2)(B)) the commercial activities of which during the taxable year includes the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof.

''(B) PRIMARY PRODUCT.—The term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.''.

(b) LIMITATION ON OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME FOR TAXPAYERS OTHER THAN MAJOR INTEGRATED OIL COMPANIES AND STATE-OWNED OIL COMPANIES.—

(1) IN GENERAL.—Section 199(d) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) SPECIAL RULE FOR TAXPAYERS WITH OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—

''(A) IN GENERAL.—If a taxpayer (other than a disqualified oil company) has oil related qualified production activities income for any taxable year beginning after 2009, the amount otherwise allowable as a deduction under subsection (a) shall be reduced by 3 percent of the least of—

''(i) the oil related qualified production activities income of the taxpayer for the taxable year,

''(ii) the qualified production activities income of the taxpayer for the taxable year, or

''(iii) taxable income (determined without regard to this section).

''(B) OIL RELATED QUALIFIED PRODUCTION ACTIVITIES INCOME.—The term 'oil related qualified production activities income' means for any taxable year the qualified production activities income which is attributable to the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during such taxable year.''.

(2) CONFORMING AMENDMENT.—Section 199(d)(2) of such Code (relating to application to individuals) is amended by striking ''subsection (a)(1)(B)'' and inserting ''subsections (a)(1)(B) and (d)(9)(A)(iii)''.

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

SEC. 502. TAX ON CRUDE OIL AND NATURAL GAS PRODUCED FROM THE OUTER CONTINENTAL SHELF IN THE GULF OF MEXICO.

(a) IN GENERAL.—Subtitle E (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end the following new chapter:

''CHAPTER 56—TAX ON SEVERANCE OF CRUDE OIL AND NATURAL GAS FROM THE OUTER CONTINENTAL SHELF IN THE GULF OF MEXICO

''Sec. 5896. Imposition of tax.
''Sec. 5897. Taxable crude oil or natural gas and removal price.
''Sec. 5898. Special rules and definitions.

''SEC. 5896. IMPOSITION OF TAX.

''(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed a tax equal to 13 percent of the removal price of any taxable crude oil or natural gas removed from the premises during any taxable period.

''(b) CREDIT FOR FEDERAL ROYALTIES PAID.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by subsection (a) with respect to the production of any taxable crude oil or natural gas an amount equal to the aggregate amount of royalties paid under Federal law with respect to such production.

''(2) LIMITATION.—The aggregate amount of credits allowed under paragraph (1) to any taxpayer for any taxable period shall not exceed the amount of tax imposed by subsection (a) for such taxable period.

''(c) TAX PAID BY PRODUCER.—The tax imposed by this section shall be paid by the producer of the taxable crude oil or natural gas.

''SEC. 5897. TAXABLE CRUDE OIL OR NATURAL GAS AND REMOVAL PRICE.

''(a) TAXABLE CRUDE OIL OR NATURAL GAS.—For purposes of this chapter, the term 'taxable crude oil or natural gas' means crude oil or natural gas which is produced from Federal submerged lands on the outer Continental Shelf in the Gulf of Mexico pursuant to a lease entered into with the United States which authorizes the production.

''(b) REMOVAL PRICE.—For purposes of this chapter—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'removal price' means—

''(A) in the case of taxable crude oil, the amount for which a barrel of such crude oil is sold, and

''(B) in the case of taxable natural gas, the amount per 1,000 cubic feet for which such natural gas is sold.

''(2) SALES BETWEEN RELATED PERSONS.—In the case of a sale between related persons, the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

''(3) OIL OR GAS REMOVED FROM PROPERTY BEFORE SALE.—If crude oil or natural gas is removed from the property before it is sold, the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

''(4) REFINING BEGUN ON PROPERTY.—If the manufacture or conversion of crude oil into refined products begins before such oil is removed from the property—

''(A) such oil shall be treated as removed on the day such manufacture or conversion begins, and

''(B) the removal price shall be the constructive sales price for purposes of determining gross income from the property under section 613.

''(5) PROPERTY.—The term 'property' has the meaning given such term by section 614.

''SEC. 5898. SPECIAL RULES AND DEFINITIONS.

''(a) ADMINISTRATIVE REQUIREMENTS.—

''(1) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide for the withholding and deposit of the tax imposed under section 5896 on a quarterly basis.

''(2) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information (to the Secretary and to other persons having an interest in the taxable crude oil or natural gas) with respect to such oil as the Secretary may by regulations prescribe.

''(3) TAXABLE PERIODS; RETURN OF TAX.—

''(A) TAXABLE PERIOD.—Except as provided by the Secretary, each calendar year shall constitute a taxable period.

''(B) RETURNS.—The Secretary shall provide for the filing, and the time for filing, of the return of the tax imposed under section 5896.

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

''(1) PRODUCER.—The term 'producer' means the holder of the economic interest with respect to the crude oil or natural gas.

''(2) CRUDE OIL.—The term 'crude oil' includes crude oil condensates and natural gasoline.

''(3) PREMISES AND CRUDE OIL PRODUCT.—The terms 'premises' and 'crude oil product' have the same meanings as when used for purposes of determining gross income from the property under section 613.

''(c) ADJUSTMENT OF REMOVAL PRICE.—In determining the removal price of oil or natural gas from a property in the case of any transaction, the Secretary may adjust the removal price to reflect clearly the fair market value of oil or natural gas removed.

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

(b) DEDUCTIBILITY OF TAX.—The first sentence of section 164(a) (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

''(6) The tax imposed by section 5896(a) (after application of section 5896(b)) on the severance of crude oil or natural gas from the outer Continental Shelf in the Gulf of Mexico.''.

(c) CLERICAL AMENDMENT.—The table of chapters for subtitle E is amended by adding at the end the following new item:

''CHAPTER 56. Tax on severance of crude oil and natural gas from the outer Continental Shelf in the Gulf of Mexico.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to crude oil or natural gas removed after December 31, 2008.

SEC. 503. ELIMINATION OF THE DIFFERENT TREATMENT OF FOREIGN OIL AND GAS EXTRACTION INCOME AND FOREIGN OIL RELATED INCOME FOR PURPOSES OF THE FOREIGN TAX CREDIT.

(a) IN GENERAL.—Subsections (a) and (b) of section 907 (relating to special rules in case of foreign oil and gas income) are amended to read as follows:

''(a) REDUCTION IN AMOUNT ALLOWED AS FOREIGN TAX UNDER SECTION 901.—In applying section 901, the amount of any foreign oil and gas taxes paid or accrued (or deemed to have been paid) during the taxable year which would (but for this subsection) be taken into account for purposes of section 901 shall be reduced by the amount (if any) by which the amount of such taxes exceeds the product of—

''(1) the amount of the combined foreign oil and gas income for the taxable year,

''(2) multiplied by—

''(A) in the case of a corporation, the percentage which is equal to the highest rate of tax specified under section 11(b), or

''(B) in the case of an individual, a fraction the numerator of which is the tax against which the credit under section 901(a) is taken and the denominator of which is the taxpayer's entire taxable income.

''(b) COMBINED FOREIGN OIL AND GAS INCOME; FOREIGN OIL AND GAS TAXES.—For purposes of this section—

''(1) COMBINED FOREIGN OIL AND GAS INCOME.—The term 'combined foreign oil and gas income' means, with respect to any taxable year, the sum of—

''(A) foreign oil and gas extraction income, and

''(B) foreign oil related income.

''(2) FOREIGN OIL AND GAS TAXES.—The term 'foreign oil and gas taxes' means, with respect to any taxable year, the sum of—

''(A) oil and gas extraction taxes, and

''(B) any income, war profits, and excess profits taxes paid or accrued (or deemed to have been paid or accrued under section 902 or 960) during the taxable year with respect to foreign oil related income (determined without regard to subsection (c)(4)) or loss which would be taken into account for purposes of section 901 without regard to this section.''.

(b) RECAPTURE OF FOREIGN OIL AND GAS LOSSES.—Paragraph (4) of section 907(c) (relating to recapture of foreign oil and gas extraction losses by recharacterizing later extraction income) is amended to read as follows:

''(4) RECAPTURE OF FOREIGN OIL AND GAS LOSSES BY RECHARACTERIZING LATER COMBINED FOREIGN OIL AND GAS INCOME.—

''(A) IN GENERAL.—The combined foreign oil and gas income of a taxpayer for a taxable year (determined without regard to this paragraph) shall be reduced—

''(i) first by the amount determined under subparagraph (B), and

''(ii) then by the amount determined under subparagraph (C).

The aggregate amount of such reductions shall be treated as income (from sources without the United States) which is not combined foreign oil and gas income.

''(B) REDUCTION FOR PRE-2009 FOREIGN OIL EXTRACTION LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

''(i) the foreign oil and gas extraction income of the taxpayer for the taxable year (determined without regard to this paragraph), or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil extraction losses for preceding taxable years beginning after December 31, 1982, and before January 1, 2009, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph (as in effect before and after the date of the enactment of the Energy Independence and Investment Act of 2008) for preceding taxable years beginning after December 31, 1982.

''(C) REDUCTION FOR POST-2008 FOREIGN OIL AND GAS LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

''(i) the combined foreign oil and gas income of the taxpayer for the taxable year (determined without regard to this paragraph), reduced by an amount equal to the reduction under subparagraph (A) for the taxable year, or

''(ii) the excess of—

''(I) the aggregate amount of foreign oil and gas losses for preceding taxable years beginning after December 31, 2008, over

''(II) so much of such aggregate amount as was recharacterized under this paragraph for preceding taxable years beginning after December 31, 2008.

''(D) FOREIGN OIL AND GAS LOSS DEFINED.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'foreign oil and gas loss' means the amount by which—

''(I) the gross income for the taxable year from sources without the United States and its possessions (whether or not the taxpayer chooses the benefits of this subpart for such taxable year) taken into account in determining the combined foreign oil and gas income for such year, is exceeded by

''(II) the sum of the deductions properly apportioned or allocated thereto.

''(ii) NET OPERATING LOSS DEDUCTION NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), the net operating loss deduction allowable for the taxable year under section 172(a) shall not be taken into account.

''(iii) EXPROPRIATION AND CASUALTY LOSSES NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), there shall not be taken into account—

''(I) any foreign expropriation loss (as defined in section 172(h) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)) for the taxable year, or

''(II) any loss for the taxable year which arises from fire, storm, shipwreck, or other casualty, or from theft,

to the extent such loss is not compensated for by insurance or otherwise.

''(iv) FOREIGN OIL EXTRACTION LOSS.—For purposes of subparagraph (B)(ii)(I), foreign oil extraction losses shall be determined under this paragraph as in effect on the day before the date of the enactment of the Energy Independence and Investment Act of 2008.''.

(c) CARRYBACK AND CARRYOVER OF DISALLOWED CREDITS.—Section 907(f) (relating to carryback and carryover of disallowed credits) is amended—

(1) by striking ''oil and gas extraction taxes'' each place it appears and inserting ''foreign oil and gas taxes'', and

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

''(4) TRANSITION RULES FOR PRE-2009 AND 2009 DISALLOWED CREDITS.—

''(A) PRE-2009 CREDITS.—In the case of any unused credit year beginning before January 1, 2009, this subsection shall be applied to any unused oil and gas extraction taxes carried from such unused credit year to a year beginning after December 31, 2008—

''(i) by substituting 'oil and gas extraction taxes' for 'foreign oil and gas taxes' each place it appears in paragraphs (1), (2), and (3), and

''(ii) by computing, for purposes of paragraph (2)(A), the limitation under subparagraph (A) for the year to which such taxes are carried by substituting 'foreign oil and gas extraction income' for 'foreign oil and gas income' in subsection (a).

''(B) 2009 CREDITS.—In the case of any unused credit year beginning in 2009, the amendments made to this subsection by the Energy Independence and Investment Act of 2008 shall be treated as being in effect for any preceding year beginning before January 1, 2009, solely for purposes of determining how much of the unused foreign oil and gas taxes for such unused credit year may be deemed paid or accrued in such preceding year.''.

(d) CONFORMING AMENDMENT.—Section 6501(i) is amended by striking ''oil and gas extraction taxes'' and inserting ''foreign oil and gas taxes''.

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

SEC. 504. BROKER REPORTING OF CUSTOMER'S BASIS IN SECURITIES TRANSACTIONS.

(a) IN GENERAL.—

(1) BROKER REPORTING FOR SECURITIES TRANSACTIONS.—Section 6045 is amended by adding at the end the following new subsection:

''(g) ADDITIONAL INFORMATION REQUIRED IN THE CASE OF SECURITIES TRANSACTIONS, ETC.—

''(1) IN GENERAL.—If a broker is otherwise required to make a return under subsection (a) with respect to the gross proceeds of the sale of a covered security, the broker shall include in such return the information described in paragraph (2).

''(2) ADDITIONAL INFORMATION REQUIRED.—

''(A) IN GENERAL.—The information required under paragraph (1) to be shown on a return with respect to a covered security of a customer shall include the customer's adjusted basis in such security and whether any gain or loss with respect to such security is long-term or short-term (within the meaning of section 1222).

''(B) DETERMINATION OF ADJUSTED BASIS.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The customer's adjusted basis shall be determined—

''(I) in the case of any security (other than any stock for which an average basis method is permissible under section 1012), in accordance with the first-in first-out method unless the customer notifies the broker by means of making an adequate identification of the stock sold or transferred, and

''(II) in the case of any stock for which an average basis method is permissible under section 1012, in accordance with the broker's default method unless the customer notifies the broker that he elects another acceptable method under section 1012 with respect to the account in which such stock is held.

''(ii) EXCEPTION FOR WASH SALES.—Except as otherwise provided by the Secretary, the customer's adjusted basis shall be determined without regard to section 1091 (relating to loss from wash sales of stock or securities) unless the transactions occur in the same account with respect to identical securities.

''(3) COVERED SECURITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'covered security' means any specified security acquired on or after the applicable date if such security—

''(i) was acquired through a transaction in the account in which such security is held, or

''(ii) was transferred to such account from an account in which such security was a covered security, but only if the broker received a statement under section 6045A with respect to the transfer.

''(B) SPECIFIED SECURITY.—The term 'specified security' means—

''(i) any share of stock in a corporation,

''(ii) any note, bond, debenture, or other evidence of indebtedness,

''(iii) any commodity, or contract or derivative with respect to such commodity, if the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection, and

''(iv) any other financial instrument with respect to which the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection.

''(C) APPLICABLE DATE.—The term 'applicable date' means—

''(i) January 1, 2010, in the case of any specified security which is stock in a corporation (other than any stock described in clause (ii)),

''(ii) January 1, 2011, in the case of any stock for which an average basis method is permissible under section 1012, and

''(iii) January 1, 2012, or such later date determined by the Secretary in the case of any other specified security.

''(4) TREATMENT OF S CORPORATIONS.—In the case of the sale of a covered security acquired by an S corporation (other than a financial institution) after December 31, 2011, such S corporation shall be treated in the same manner as a partnership for purposes of this section.

''(5) SPECIAL RULES FOR SHORT SALES.—In the case of a short sale, reporting under this section shall be made for the year in which such sale is closed.''.

(2) BROKER INFORMATION REQUIRED WITH RESPECT TO OPTIONS.—Section 6045, as amended by subsection (a), is amended by adding at the end the following new subsection:

''(h) APPLICATION TO OPTIONS ON SECURITIES.—

''(1) EXERCISE OF OPTION.—For purposes of this section, if a covered security is acquired or disposed of pursuant to the exercise of an option that was granted or acquired in the same account as the covered security, the amount received with respect to the grant or paid with respect to the acquisition of such option shall be treated as an adjustment to gross proceeds or as an adjustment to basis, as the case may be.

''(2) LAPSE OR CLOSING TRANSACTION.—In the case of the lapse (or closing transaction (as defined in section 1234(b)(2)(A))) of an option on a specified security or the exercise of a cash-settled option on a specified security, reporting under subsections (a) and (g) with respect to such option shall be made for the calendar year which includes the date of such lapse, closing transaction, or exercise.

''(3) PROSPECTIVE APPLICATION.—Paragraphs (1) and (2) shall not apply to any option which is granted or acquired before January 1, 2012.

''(4) DEFINITIONS.—For purposes of this subsection, the terms 'covered security' and 'specified security' shall have the meanings given such terms in subsection (g)(3).''.

(3) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—

(A) IN GENERAL.—Subsection (b) of section 6045 is amended by striking ''January 31'' and inserting ''February 15''.

(B) STATEMENTS RELATED TO SUBSTITUTE PAYMENTS.—Subsection (d) of section 6045 is amended—

(i) by striking ''at such time and'', and

(ii) by inserting after ''other item.'' the following new sentence: ''The written statement required under the preceding sentence shall be furnished on or before February 15 of the year following the calendar year in which the payment was made.''.

(C) OTHER STATEMENTS.—Subsection (b) of section 6045 is amended by adding at the end the following: ''In the case of a consolidated reporting statement (as defined in regulations) with respect to any account, any statement which would otherwise be required to be furnished on or before January 31 of a calendar year with respect to any item reportable to the taxpayer shall instead be required to be furnished on or before February 15 of such calendar year if furnished with such consolidated reporting statement.''.

(b) DETERMINATION OF BASIS OF CERTAIN SECURITIES ON ACCOUNT BY ACCOUNT OR AVERAGE BASIS METHOD.—Section 1012 is amended—

(1) by striking ''The basis of property'' and inserting the following:

''(a) IN GENERAL.—The basis of property'',

(2) by striking ''The cost of real property'' and inserting the following:

''(b) SPECIAL RULE FOR APPORTIONED REAL ESTATE TAXES.—The cost of real property'', and

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

''(c) DETERMINATIONS BY ACCOUNT.—

''(1) IN GENERAL.—In the case of the sale, exchange, or other disposition of a specified security on or after the applicable date, the conventions prescribed by regulations under this section shall be applied on an account by account basis.

''(2) APPLICATION TO OPEN-END FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any stock in an open-end fund acquired before January 1, 2011, shall be treated as a separate account from any such stock acquired on or after such date.

''(B) ELECTION BY OPEN-END FUND FOR TREATMENT AS SINGLE ACCOUNT.—If an open-end fund elects to have this subparagraph apply with respect to one or more of its stockholders—

''(i) subparagraph (A) shall not apply with respect to any stock in such fund held by such stockholders, and

''(ii) all stock in such fund which is held by such stockholders shall be treated as covered securities described in section 6045(g)(3) without regard to the date of the acquisition of such stock.

A rule similar to the rule of the preceding sentence shall apply with respect to a broker holding stock in an open-end fund as a nominee.

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

''(A) OPEN-END FUND.—The term 'open-end fund' means a regulated investment company (as defined in section 851) which is offering for sale or has outstanding any redeemable security of which it is the issuer. Any stock which is traded on an established securities exchange shall not be treated as stock in an open-end fund.

''(B) SPECIFIED SECURITY; APPLICABLE DATE.—The terms 'specified security' and 'applicable date' shall have the meaning given such terms in section 6045(g).

''(d) AVERAGE BASIS FOR STOCK ACQUIRED PURSUANT TO A DIVIDEND REINVESTMENT PLAN.—

''(1) IN GENERAL.—In the case of any stock acquired after December 31, 2010, in connection with a dividend reinvestment plan, the basis of such stock while held as part of such plan shall be determined using one of the methods which may be used for determining the basis of stock in an open-end fund.

''(2) TREATMENT AFTER TRANSFER.—In the case of the transfer to another account of stock to which paragraph (1) applies, such stock shall have a cost basis in such other account equal to its basis in the dividend reinvestment plan immediately before such transfer (properly adjusted for any fees or other charges taken into account in connection with such transfer).

''(3) SEPARATE ACCOUNTS; ELECTION FOR TREATMENT AS SINGLE ACCOUNT.—Rules similar to the rules of subsection (c)(2) shall apply for purposes of this subsection.

''(4) DIVIDEND REINVESTMENT PLAN.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'dividend reinvestment plan' means any arrangement under which dividends on any stock are reinvested in stock identical to the stock with respect to which the dividends are paid.

''(B) INITIAL STOCK ACQUISITION TREATED AS ACQUIRED IN CONNECTION WITH PLAN.—Stock shall be treated as acquired in connection with a dividend reinvestment plan if such stock is acquired pursuant to such plan or if the dividends paid on such stock are subject to such plan.''.

(c) INFORMATION BY TRANSFERORS TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6045 the following new section:

''SEC. 6045A. INFORMATION REQUIRED IN CONNECTION WITH TRANSFERS OF COVERED SECURITIES TO BROKERS.

''(a) FURNISHING OF INFORMATION.—Every applicable person which transfers to a broker (as defined in section 6045(c)(1)) a security which is a covered security (as defined in section 6045(g)(3)) in the hands of such applicable person shall furnish to such broker a written statement in such manner and setting forth such information as the Secretary may by regulations prescribe for purposes of enabling such broker to meet the requirements of section 6045(g).

''(b) APPLICABLE PERSON.—For purposes of subsection (a), the term 'applicable person' means—

''(1) any broker (as defined in section 6045(c)(1)), and

''(2) any other person as provided by the Secretary in regulations.

''(c) TIME FOR FURNISHING STATEMENT.—Except as otherwise provided by the Secretary, any statement required by subsection (a) shall be furnished not later than 15 days after the date of the transfer described in such subsection.''.

(2) ASSESSABLE PENALTIES.—Paragraph (2) of section 6724(d), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating subparagraphs (I) through (DD) as subparagraphs (J) through (EE), respectively, and by inserting after subparagraph (H) the following new subparagraph:

''(I) section 6045A (relating to information required in connection with transfers of covered securities to brokers),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6045 the following new item:

''Sec. 6045A. Information required in connection with transfers of covered securities to brokers.''.

(d) ADDITIONAL ISSUER INFORMATION TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61, as amended by subsection (b), is amended by inserting after section 6045A the following new section:

''SEC. 6045B. RETURNS RELATING TO ACTIONS AFFECTING BASIS OF SPECIFIED SECURITIES.

''(a) IN GENERAL.—According to the forms or regulations prescribed by the Secretary, any issuer of a specified security shall make a return setting forth—

''(1) a description of any organizational action which affects the basis of such specified security of such issuer,

''(2) the quantitative effect on the basis of such specified security resulting from such action, and

''(3) such other information as the Secretary may prescribe.

''(b) TIME FOR FILING RETURN.—Any return required by subsection (a) shall be filed not later than the earlier of—

''(1) 45 days after the date of the action described in subsection (a), or

''(2) January 15 of the year following the calendar year during which such action occurred.

''(c) STATEMENTS TO BE FURNISHED TO HOLDERS OF SPECIFIED SECURITIES OR THEIR NOMINEES.—According to the forms or regulations prescribed by the Secretary, every person required to make a return under subsection (a) with respect to a specified security shall furnish to the nominee with respect to the specified security (or certificate holder if there is no nominee) a written statement showing—

''(1) the name, address, and phone number of the information contact of the person required to make such return,

''(2) the information required to be shown on such return with respect to such security, and

''(3) such other information as the Secretary may prescribe.

The written statement required under the preceding sentence shall be furnished to the holder on or before January 15 of the year following the calendar year during which the action described in subsection (a) occurred.

''(d) SPECIFIED SECURITY.—For purposes of this section, the term 'specified security' has the meaning given such term by section 6045(g)(3)(B). No return shall be required under this section with respect to actions described in subsection (a) with respect to a specified security which occur before the applicable date (as defined in section 6045(g)(3)(C)) with respect to such security.

''(e) PUBLIC REPORTING IN LIEU OF RETURN.—The Secretary may waive the requirements under subsections (a) and (c) with respect to a specified security, if the person required to make the return under subsection (a) makes publicly available, in such form and manner as the Secretary determines necessary to carry out the purposes of this section—

''(1) the name, address, phone number, and email address of the information contact of such person, and

''(2) the information described in paragraphs (1), (2), and (3) of subsection (a).''.

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1), as amended by the Housing Assistance Tax Act of 2008, is amended by redesignating clause (iv) and each of the clauses which follow as clauses (v) through (xxiii), respectively, and by inserting after clause (iii) the following new clause:

''(iv) section 6045B(a) (relating to returns relating to actions affecting basis of specified securities),''.

(B) Paragraph (2) of section 6724(d), as amended by the Housing Assistance Tax Act of 2008 and by subsection (c)(2), is amended by redesignating subparagraphs (J) through (EE) as subparagraphs (K) through (FF), respectively, and by inserting after subparagraph (I) the following new subparagraph:

''(J) subsections (c) and (e) of section 6045B (relating to returns relating to actions affecting basis of specified securities),''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61, as amended by subsection (b)(3), is amended by inserting after the item relating to section 6045A the following new item:

''Sec. 6045B. Returns relating to actions affecting basis of specified securities.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on January 1, 2010.

(2) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—The amendments made by subsection (a)(3) shall apply to statements required to be furnished after December 31, 2008.

SEC. 505. INCREASE AND EXTENSION OF OIL SPILL LIABILITY TRUST FUND TAX.

(a) INCREASE IN RATE.—

(1) IN GENERAL.—Section 4611(c)(2)(B) (relating to rates) is amended by striking ''5 cents'' and inserting ''12 cents''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply on and after the first day of the first calendar quarter beginning more than 60 days after the date of the enactment of this Act.

(b) EXTENSION.—

(1) IN GENERAL.—Section 4611(f) (relating to application of Oil Spill Liability Trust Fund financing rate) is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

''(2) TERMINATION.—The Oil Spill Liability Trust Fund financing rate shall not apply after December 31, 2017.''.

(2) CONFORMING AMENDMENT.—Section 4611(f)(1) is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraph (2)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

TITLE VI—OTHER PROVISIONS

SEC. 601. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended by striking sections 1 through 403 and inserting the following:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.

''SEC. 2. PURPOSES.

''The purposes of this Act are—

''(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

''(2) to make additional investments in, and create additional employment opportunities through, projects that—

''(A)(i) improve the maintenance of existing infrastructure;

''(ii) implement stewardship objectives that enhance forest ecosystems; and

''(iii) restore and improve land health and water quality;

''(B) enjoy broad-based support; and

''(C) have objectives that may include—

''(i) road, trail, and infrastructure maintenance or obliteration;

''(ii) soil productivity improvement;

''(iii) improvements in forest ecosystem health;

''(iv) watershed restoration and maintenance;

''(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

''(vi) the control of noxious and exotic weeds; and

''(vii) the reestablishment of native species; and

''(3) to improve cooperative relationships among—

''(A) the people that use and care for Federal land; and

''(B) the agencies that manage the Federal land.

''SEC. 3. DEFINITIONS.

''In this Act:

''(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

''(2) BASE SHARE.—The term 'base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).

''(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

''(A) contains Federal land (as defined in paragraph (7)); and

''(B) elects to receive a share of the State payment or the county payment under section 102(b).

''(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.

''(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

''(7) FEDERAL LAND.—The term 'Federal land' means—

''(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

''(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

''(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—

''(A) the number equal to the quotient obtained by dividing—

''(i) the 50-percent base share for the eligible county; by

''(ii) the income adjustment for the eligible county; by

''(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

''(9) 50-PERCENT BASE SHARE.—The term '50-percent base share' means the number equal to the average of—

''(A) the quotient obtained by dividing—

''(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

''(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

''(B) the quotient obtained by dividing—

''(i) the amount equal to the average of the 3 highest 50-percent payments made to each eligible county during the eligibility period; by

''(ii) the amount equal to the sum of the amounts calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

''(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

''(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—

''(A) $500,000,000 for fiscal year 2008; and

''(B) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

''(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—

''(A) the per capita personal income for each eligible county; by

''(B) the median per capita personal income of all eligible counties.

''(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

''(14) SAFETY NET PAYMENTS.—The term 'safety net payments' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

''(15) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

''(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

''(16) STATE PAYMENT.—The term 'State payment' means the payment for an eligible State calculated under section 101(a).

''(17) 25-PERCENT PAYMENT.—The term '25-percent payment' means the payment to States required by the sixth paragraph under the heading of 'FOREST SERVICE' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

''TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

''SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

''(a) STATE PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

''(1) the adjusted share for each eligible county within the eligible State; by

''(2) the full funding amount for the fiscal year.

''(b) COUNTY PAYMENT.—For each of fiscal years 2008 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

''(1) the 50-percent adjusted share for the eligible county; by

''(2) the full funding amount for the fiscal year.

''SEC. 102. PAYMENTS TO STATES AND COUNTIES.

''(a) PAYMENT AMOUNTS.—Except as provided in section 103, the Secretary of the Treasury shall pay to—

''(1) a State or territory of the United States an amount equal to the sum of the amounts elected under subsection (b) by each county within the State or territory for—

''(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

''(B) the share of the State payment of the eligible county; and

''(2) a county an amount equal to the amount elected under subsection (b) by each county for—

''(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

''(B) the county payment for the eligible county.

''(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

''(1) ELECTION; SUBMISSION OF RESULTS.—

''(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

''(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

''(2) DURATION OF ELECTION.—

''(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable, shall be effective for 2 fiscal years.

''(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

''(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

''(A) any amounts that are appropriated to carry out this Act;

''(B) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land; and

''(C) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

''(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

''(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 3(7)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

''(A) the Act of May 23, 1908 (16 U.S.C. 500); and

''(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

''(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1).

''(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

''(1) ALLOCATIONS.—

''(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENT OR 50-PERCENT PAYMENT, AS APPLICABLE.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended.

''(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

''(i) Reserve any portion of the balance for projects in accordance with title II.

''(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

''(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

''(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

''(i) reserve any portion of the balance for—

''(I) carrying out projects under title II;

''(II) carrying out projects under title III; or

''(III) a combination of the purposes described in subclauses (I) and (II); or

''(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

''(2) DISTRIBUTION OF FUNDS.—

''(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i) of paragraph (1) for carrying out projects under title II shall be deposited in a special account in the Treasury of the United States.

''(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

''(i) be available for expenditure by the Secretary concerned, without further appropriation; and

''(ii) remain available until expended in accordance with title II.

''(3) ELECTION.—

''(A) NOTIFICATION.—

''(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and September 30 of each fiscal year thereafter.

''(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

''(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

''(II) return the balance to the Treasury of the United States.

''(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended.

''(e) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

''SEC. 103. TRANSITION PAYMENTS TO STATES.

''(a) DEFINITIONS.—In this section:

''(1) ADJUSTED AMOUNT.—The term 'adjusted amount' means, with respect to a covered State—

''(A) for fiscal year 2008, 90 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008;

''(B) for fiscal year 2009, 76 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2009; and

''(C) for fiscal year 2010, 65 percent of—

''(i) the sum of the amounts paid for fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2010; and

''(ii) the sum of the amounts paid for fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.

''(2) COVERED STATE.—The term 'covered State' means each of the States of California, Louisiana, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, and Washington.

''(b) TRANSITION PAYMENTS.—For each of fiscal years 2008 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable.

''(c) DISTRIBUTION OF ADJUSTED AMOUNT.—Except as provided in subsection (d), it is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the covered States for each of fiscal years 2008 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

''(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) (as in effect on September 29, 2006) were distributed to the eligible counties for fiscal year 2006:

''(1) Payments to the State of California under subsection (b).

''(2) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.

''(e) TREATMENT OF PAYMENTS.—For purposes of this Act, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).

''TITLE II—SPECIAL PROJECTS ON FEDERAL LAND

''SEC. 201. DEFINITIONS.

''In this title:

''(1) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

''(2) PROJECT FUNDS.—The term 'project funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(3) RESOURCE ADVISORY COMMITTEE.—The term 'resource advisory committee' means—

''(A) an advisory committee established by the Secretary concerned under section 205; or

''(B) an advisory committee determined by the Secretary concerned to meet the requirements of section 205.

''(4) RESOURCE MANAGEMENT PLAN.—The term 'resource management plan' means—

''(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 3(7)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

''(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

''SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

''(a) LIMITATION.—Project funds shall be expended solely on projects that meet the requirements of this title.

''(b) AUTHORIZED USES.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land.

''SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

''(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

''(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

''(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

''(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

''(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

''(1) The purpose of the project and a description of how the project will meet the purposes of this title.

''(2) The anticipated duration of the project.

''(3) The anticipated cost of the project.

''(4) The proposed source of funding for the project, whether project funds or other funds.

''(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

''(B) An estimate of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

''(6) A detailed monitoring plan, including funding needs and sources, that—

''(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

''(B) includes an assessment of the following:

''(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

''(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

''(7) An assessment that the project is to be in the public interest.

''(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2.

''SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

''(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

''(1) The project complies with all applicable Federal laws (including regulations).

''(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

''(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

''(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

''(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

''(b) ENVIRONMENTAL REVIEWS.—

''(1) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

''(2) CONDUCT OF ENVIRONMENTAL REVIEW.—If a payment is requested under paragraph (1) and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

''(3) EFFECT OF REFUSAL TO PAY.—

''(A) IN GENERAL.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

''(B) EFFECT OF WITHDRAWAL.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

''(c) DECISIONS OF SECRETARY CONCERNED.—

''(1) REJECTION OF PROJECTS.—

''(A) IN GENERAL.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

''(B) NO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

''(C) NOTICE OF REJECTION.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

''(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

''(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

''(e) IMPLEMENTATION OF APPROVED PROJECTS.—

''(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

''(2) BEST VALUE CONTRACTING.—

''(A) IN GENERAL.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

''(B) FACTORS.—The Secretary concerned shall determine best value based on such factors as—

''(i) the technical demands and complexity of the work to be done;

''(ii)(I) the ecological objectives of the project; and

''(II) the sensitivity of the resources being treated;

''(iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and

''(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

''(3) MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—

''(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

''(i) the harvesting or collection of merchantable timber; and

''(ii) the sale of the timber.

''(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

''(i) For fiscal year 2008, 35 percent.

''(ii) For fiscal year 2009, 45 percent.

''(iii) For each of fiscal years 2010 and 2011, 50 percent.

''(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

''(D) ASSISTANCE.—

''(i) IN GENERAL.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

''(ii) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

''(E) REVIEW AND REPORT.—

''(i) INITIAL REPORT.—Not later than September 30, 2010, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

''(ii) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

''(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

''(1) to road maintenance, decommissioning, or obliteration; or

''(2) to restoration of streams and watersheds.

''SEC. 205. RESOURCE ADVISORY COMMITTEES.

''(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

''(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

''(2) PURPOSE.—The purpose of a resource advisory committee shall be—

''(A) to improve collaborative relationships; and

''(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

''(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or 1 or more, units of Federal land.

''(4) EXISTING ADVISORY COMMITTEES.—

''(A) IN GENERAL.—An advisory committee that meets the requirements of this section, a resource advisory committee established before September 29, 2006, or an advisory committee determined by the Secretary concerned before September 29, 2006, to meet the requirements of this section may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this title.

''(B) CHARTER.—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.

''(C) BUREAU OF LAND MANAGEMENT ADVISORY COMMITTEES.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

''(b) DUTIES.—A resource advisory committee shall—

''(1) review projects proposed under this title by participating counties and other persons;

''(2) propose projects and funding to the Secretary concerned under section 203;

''(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title;

''(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title;

''(5)(A) monitor projects that have been approved under section 204; and

''(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and

''(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

''(c) APPOINTMENT BY THE SECRETARY.—

''(1) APPOINTMENT AND TERM.—

''(A) IN GENERAL.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

''(B) REAPPOINTMENT.—The Secretary concerned may reappoint members to subsequent 4-year terms.

''(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

''(3) INITIAL APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall make initial appointments to the resource advisory committees.

''(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

''(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

''(d) COMPOSITION OF ADVISORY COMMITTEE.—

''(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

''(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following 3 categories:

''(A) 5 persons that—

''(i) represent organized labor or non-timber forest product harvester groups;

''(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

''(iii) represent—

''(I) energy and mineral development interests; or

''(II) commercial or recreational fishing interests;

''(iv) represent the commercial timber industry; or

''(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.

''(B) 5 persons that represent—

''(i) nationally recognized environmental organizations;

''(ii) regionally or locally recognized environmental organizations;

''(iii) dispersed recreational activities;

''(iv) archaeological and historical interests; or

''(v) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

''(C) 5 persons that—

''(i) hold State elected office (or a designee);

''(ii) hold county or local elected office;

''(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

''(iv) are school officials or teachers; or

''(v) represent the affected public at large.

''(3) BALANCED REPRESENTATION.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

''(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

''(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

''(e) APPROVAL PROCEDURES.—

''(1) IN GENERAL.—Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title.

''(2) QUORUM.—A quorum must be present to constitute an official meeting of the committee.

''(3) APPROVAL BY MAJORITY OF MEMBERS.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

''(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

''(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

''(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

''(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

''SEC. 206. USE OF PROJECT FUNDS.

''(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

''(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

''(A) The schedule for completing the project.

''(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

''(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

''(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

''(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

''(b) TRANSFER OF PROJECT FUNDS.—

''(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—

''(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

''(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

''(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

''(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—

''(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).

''(B) SUSPENSION OF WORK.—The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

''SEC. 207. AVAILABILITY OF PROJECT FUNDS.

''(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30, 2008 (or as soon thereafter as the Secretary concerned determines is practicable), and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

''(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

''(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

''(d) EFFECT OF COURT ORDERS.—

''(1) IN GENERAL.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

''(2) EXPENDITURE OF FUNDS.—The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B) or (C)(i) of section 102(d)(1).

''SEC. 208. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title shall terminate on September 30, 2011.

''(b) DEPOSITS IN TREASURY.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

''TITLE III—COUNTY FUNDS

''SEC. 301. DEFINITIONS.

''In this title:

''(1) COUNTY FUNDS.—The term 'county funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

''(2) PARTICIPATING COUNTY.—The term 'participating county' means an eligible

county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

"SEC. 302. USE.

''(a) AUTHORIZED USES.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—

''(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

''(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

''(A) performed on Federal land after the date on which the use was approved under subsection (b);

''(B) paid for by the participating county; and

''(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.

''(b) PROPOSALS.—A participating county shall use county funds for a use described in subsection (a) only after a 45-day public comment period, at the beginning of which the participating county shall—

''(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and

''(2) submit the proposal to any resource advisory committee established under section 205 for the participating county.

"SEC. 303. CERTIFICATION.

''(a) IN GENERAL.—Not later than February 1 of the year after the year in which any county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Secretary concerned a certification that the county funds expended in the applicable year have been used for the uses authorized under section 302(a), including a description of the amounts expended and the uses for which the amounts were expended.

''(b) REVIEW.—The Secretary concerned shall review the certifications submitted under subsection (a) as the Secretary concerned determines to be appropriate.

"SEC. 304. TERMINATION OF AUTHORITY.

''(a) IN GENERAL.—The authority to initiate projects under this title terminates on September 30, 2011.

''(b) AVAILABILITY.—Any county funds not obligated by September 30, 2012, shall be returned to the Treasury of the United States.

"TITLE IV—MISCELLANEOUS PROVISIONS

"SEC. 401. REGULATIONS.

''The Secretary of Agriculture and the Secretary of the Interior shall issue regulations to carry out the purposes of this Act.

"SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2008 through 2011.

"SEC. 403. TREATMENT OF FUNDS AND REVENUES.

''(a) RELATION TO OTHER APPROPRIATIONS.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

''(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.''.

(b) FOREST RECEIPT PAYMENTS TO ELIGIBLE STATES AND COUNTIES.—

(1) ACT OF MAY 23, 1908.—The sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(2) WEEKS LAW.—Section 13 of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 500) is amended in the first sentence by striking ''twenty-five percentum'' and all that follows through ''shall be paid'' and inserting the following: ''an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid''.

(c) PAYMENTS IN LIEU OF TAXES.—

(1) IN GENERAL.—Section 6906 of title 31, United States Code, is amended to read as follows:

"§ 6906. Funding

''For each of fiscal years 2008 through 2012—

''(1) each county or other eligible unit of local government shall be entitled to payment under this chapter; and

''(2) sums shall be made available to the Secretary of the Interior for obligation or expenditure in accordance with this chapter.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following:

''6906. Funding.''.

(3) BUDGET SCOREKEEPING.—

(A) IN GENERAL.—Notwithstanding the Budget Scorekeeping Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the section in this title regarding Payments in Lieu of Taxes shall be treated in the baseline for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002), and by the Chairmen of the House and Senate Budget Committees, as appropriate, for purposes of budget enforcement in the House and Senate, and under the Congressional Budget Act of 1974 as if Payment in Lieu of Taxes (14–1114–0–1–806) were an account designated as Appropriated Entitlements and Mandatories for Fiscal Year 1997 in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217.

(B) EFFECTIVE DATE.—This paragraph shall remain in effect for the fiscal years to which the entitlement in section 6906 of title 31, United States Code (as amended by paragraph (1)), applies.

SEC. 602. CLARIFICATION OF UNIFORM DEFINITION OF CHILD.

(a) CHILD MUST BE YOUNGER THAN CLAIMANT.—Section 152(c)(3)(A) is amended by inserting ''is younger than the taxpayer claiming such individual as a qualifying child and'' after ''such individual''.

(b) CHILD MUST BE UNMARRIED.—Section 152(c)(1) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) who has not filed a joint return (other than only for a claim of refund) with the individual's spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.''.

(c) RESTRICT QUALIFYING CHILD TAX BENEFITS TO CHILD'S PARENT.—

(1) CHILD TAX CREDIT.—Subsection (a) of section 24 is amended by inserting ''for which the taxpayer is allowed a deduction under section 151'' after ''of the taxpayer''.

(2) PERSONS OTHER THAN PARENTS CLAIMING QUALIFYING CHILD.—

(A) IN GENERAL.—Paragraph (4) of section 152(c) is amended by adding at the end the following new subparagraph:

''(C) NO PARENT CLAIMING QUALIFYING CHILD.—If the parents of an individual may claim such individual as a qualifying child but no parent so claims the individual, such individual may be claimed as the qualifying child of another taxpayer but only if the adjusted gross income of such taxpayer is higher than the highest adjusted gross income of any parent of the individual.''.

(B) CONFORMING AMENDMENTS.—

(i) Subparagraph (A) of section 152(c)(4) is amended by striking ''Except'' through ''2 or more taxpayers'' and inserting ''Except as provided in subparagraphs (B) and (C), if (but for this paragraph) an individual may be claimed as a qualifying child by 2 or more taxpayers''.

(ii) The heading for paragraph (4) of section 152(c) is amended by striking ''CLAIMING'' and inserting ''WHO CAN CLAIM THE SAME''.

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

By Mr. DODD (for himself, Mr. COCHRAN, and Mr. KENNEDY):

S. 3479. A bill to amend the National and Community Service Act of 1990 to establish a Semester of Service grant program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise to introduce the Semester of Service Act—a bill which would offer young people the opportunity to spend a semester serving their communities during their junior or senior year of high school. I want to thank Senators COCHRAN and KENNEDY for joining me in introducing this legislation.

Throughout the U.S., there are mounting problems and unmet needs.

We have millions of families losing their homes. We have 14 million children that have no supervised place to go after school. We have a health care system that is barely able to hold itself together. And we have veterans and seniors who have given so much to our country unable to get the treatment they were promised and retire with the dignity they have earned.

We can debate how best to solve these problems and others. Some suggest the market can do the job. Others believe the government has an appropriate role to play.

But one thing upon which we can all agree is that when we provide service to our communities, we can tackle so many of our toughest challenges. Service that draws upon our collective imaginations, ideas, and resolve. No one is better equipped to take part in that effort, Mr. President, than our Nation's young people.

As the father of two young daughters, every day I bear witness to the energy, enthusiasm and imagination children bring to every single thing they do. And if the online communities of today teach us anything, it is that young people yearn for shared experiences—for experiences that take them out of their comfort zones to introduce them to new people, put them in new situations and teach them things they might never otherwise learn.

As a young man serving in the Peace Corps, I learned for myself how much we can grow and learn and, more importantly, the difference we can make when we serve. Today, what children need from us is the impetus and leadership to redirect that boundless energy of theirs toward the betterment of our communities. Unlocking the remarkable potential in our young people is what this legislation is all about.

With a semester of service, they can help tutor elementary-school students. They can assist those living in our veterans' hospitals or in hospice. Or they can help clean up neighborhoods and the environment. Those are just a few of the opportunities the Semester of Service Act offers. The difference service makes to our younger generation is as clear as the need for it.

We talk so much about ways to improve academic performance in our schools. Well, when community service is integrated into our students' curricula at school, we know that young people make gains on achievement tests. Service-learning results in grade point averages going up and more positive feelings about high school.

The benefits of service-learning go well beyond the classroom. When young people participate in community service activities they feel better able to control their own lives in a positive way. They are less prone to engage in risky behavior, more likely to engage in their own education, and far more aware of the career opportunities before them.

Indeed, research shows that for every dollar we spend on a service-learning project, $4 worth of service is provided to the community involved. That means by authorizing $200 million for fiscal year 2009, as this legislation does, our country will save more than half a billion dollars in service performed.

This legislation works by creating a competitive grant program that provides school districts, or nonprofits working in partnership with local school districts, the opportunity to have students participate in a semester of service in their junior or senior year for academic credit. These students are required to perform a minimum of 70 hours of service learning activities over 12 weeks, with at least 24 of those hours spent participating in field-based activities—outside of the classroom.

By engaging both the public and private sector, Semester of Service teaches civic participation skills and helps young people see themselves not merely as residents in their communities—but resources to them.

Ultimately, that is what this legislation is about. As with our legislation to strengthen and expand AmeriCorps and increase senior involvement in national service, this bill is about maximizing our resources. It's about increasing participation, engaging our young people, and lifting up our communities. That is why communities from all across this Nation have endorsed this Semester of Service legislation.

If we ask all Americans to take responsibility for the future of our country as we do with this legislation, I believe our best days can be ahead of us—not in the memories of the past, but in the world of our children. We can move forward as a Nation, lead the world and create a better, brighter tomorrow for all of us.

Let us start that journey today.

By Mr. DODD (for himself, Mr. COCHRAN, and Mr. KENNEDY):

S. 3480. A bill to amend the National and Community Service Act of 1990 to establish Encore Service Programs, Encore Fellowship Programs, and Silver Scholarship Programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise to introduce the Encore Service Act of 2008—legislation which would offer Americans 55 years of age and older the chance to serve their communities and use their expertise and life lessons to give back to the country that has given them so much. I want to thank Senators COCHRAN and KENNEDY for joining me in introducing this legislation.

As we have discussed time and time again, the challenges facing America are mounting—from an aging population to a broken health care system to challenges in our schools that put our children's futures at risk.

These are problems that countless Americans have lived and struggled with—that we here in this institution have debated for years, decades even. We can disagree amongst ourselves about how to solve them—and we certainly have. But what we can all agree on is the impact citizens can make when it comes to facing some of our biggest challenges.

We know the extraordinary things ordinary citizens can accomplish for our communities when given the opportunity—the difference they can make in our schools and nursing homes, in veterans' hospitals and in helping those living on fixed incomes.

We know the character of our people in our darkest moments. Indeed, while September 11 may have showed us that our world had changed—it was September 12 that reminded us: Americans had not. The community blood drives, the heroic work of our Nation's firefighters, the floods of donations—all were a powerful reminder that Americans are always ready to give back when their country calls.

I will never forget the Mayor of Pass Christian Mississippi telling me about an elderly Connecticut couple who drove all the way to the Gulf Coast in the wake of Katrina for no other reason than to help their fellow countrymen and women. Contrary to what some suggest, I believe the American people are starved for opportunities to serve—and stand at the ready not just in times of crisis, but every day. Americans are simply waiting to be asked. I am introducing this legislation today because, it is time they were.

The truth is, no one is more ready or more poised to make a difference—in our communities and throughout our country—than older Americans.

We have all heard about the aging Baby Boomer generation—in the next decade alone, the number of Americans 55 years and older is expected to grow by another 22 percent. But for all the well-publicized challenges that growth presents, it's time we also recognize something else: The opportunities it offers—if we seize them.

Studies tell us that more than half of those considered a part of the Baby Boomer generation are interested in providing meaningful service to their communities. Countless older men and women who have given so much to their country throughout their lives want to continue to serve their communities as they enter their later years.

Why wouldn't they? After a lifetime of hard work, raising a family, and paying taxes, Americans look forward to retirement—to enjoying their golden years with the security and dignity they have earned. They are living longer, healthier lives than any generation in history. And they recognize something elemental:

Life doesn't end at retirement. For many, it is only beginning—leading perhaps to a second career in the public or nonprofit sector. There can be no greater gift passed on to future generations than the lessons of the past. But the truth is, we too often fail to draw upon the experience, knowledge and ideas of previous generations. What is missing is the opportunity.

Providing older Americans those opportunities is what the Encore Service Act is all about. It creates an Encore Service Program that provides Americans 55 years and older with opportunities to serve communities with the greatest need—to volunteer in our Nation's schools, to help keep our neighborhoods clean, safe and vibrant, and so much more. In return for their service, which may include extensive training and a significant commitment of time, they can receive a stipend and education award, much like AmeriCorps does for younger generations.

Best of all, that stipend can be transferred to children or grandchildren. Imagine what that means for a grandmother or a grandfather who could literally put thousands of dollars into their newborn grandchild's college savings fund as a result of this program—funds that can only be used after the

child turns 18 and can be kept for up to 20 years. Of all the new ideas in this legislation, perhaps this one is the most exciting.

This legislation also creates an Encore Fellows program that places older Americans in one-year management or leadership positions in public or private not-for-profits. These year-long fellowships not only increase the capacity of public service organizations already doing tremendous work in our communities, they also promote those who have already had full, successful careers, perhaps in the private sector, to lend their expertise and experience to the cause of community or public service.

The Encore Service Act also creates a Silver Scholars program that awards older Americans with an education scholarship of up to $1,000 in exchange for volunteering with public agencies or private nonprofits between 250 and 500 hours a year. As with the Encore Service Program, they can use these awards for themselves or transfer them to children, grandchildren or other qualified designees.

Lastly, this legislation expands the capacity and builds on the success of current Senior Programs by raising the authorization funding levels for the Foster Grandparent, Senior Corps and RSVP programs. We all know that seniors and these programs have already made a remarkable difference in our communities. That is why our legislation raises program eligibility levels from 125 to 200 percent above poverty and ensures that all programs will be open to any individual 55 years and older.

The Encore Service Act authorizes $326.7 million in new funding for fiscal year 2009, and such sums as necessary for subsequent years. Ultimately, this bill is about unlocking the remarkable potential in older Americans. It is about creating ample opportunities for them to use their skills and talents to give back to their communities—to elementary schools, retirement homes, soup kitchens operating out of local churches, libraries, and other centers of our communities.

It is about harnessing the power of experience. We all know that when called upon, every generation of Americans has risen to the challenge, often beating great odds to pass on a stronger, safer, more prosperous world to its children and grandchildren.

Americans are ready once again for leadership that marshals the same unity, purpose and generosity that so defined our country in the wake of 9/11, and has so defined our Nation so many times before. That is what the Encore Service Act of 2008 is about. I am honored to introduce it today.

By Mr. LIEBERMAN:

S. 3482. A bill to designate a portion of the Rappahannock River in the Commonwealth of Virginia as the ''John W. Warner Rapids''; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, today I am introducing legislation to designate a portion of the Rappahannock River in Virginia as the ''John W. Warner Rapids''.

These man-made rapids are a testament to Senator WARNER's long-standing commitment to protect and preserve the environment, as they are the remains of the Embrey Dam, whose removal he championed.

The Rappahannock River in Virginia flows over 180 miles from the Blue Ridge Mountains to the Chesapeake Bay. At historic Fredericksburg, founded in 1728 along the river's fall line, the Rappahannock was blocked by a wooden crib dam built in 1853 and a 22-foot high concrete dam built in 1910.

Until the 1960s, the dam was used to generate hydroelectric power, and until 2000 it was used to divert water into a canal as a raw water source for the city. In the 1990s, the city began to develop a new regional water supply; and it was determined that the water facility connected to the dam could be closed.

Funding to remove the dam was a significant hurdle. The City sought support from the Federal government and found a strong advocate in Senator JOHN W. WARNER. In the mid 1990s, the local river conservation group, Friends of the Rappahannock, invited Senator WARNER to a discussion about the removal of the dam. After discussion and a paddle to the site, Senator WARNER pledged that if the group could demonstrate community consensus regarding the dam's removal, he would personally support the effort.

On February 23, 2004, on Senator WARNER's signal, 600 pounds of explosives set by the Army and Air Force Reserves opened a 130-foot breach in Embrey Dam, setting the Rappahannock River to flow free for the first time since 1853. By reopening the Rappahannock River, more than 1,300 river and stream miles immediately became available to migratory fish in the Chesapeake Bay watershed.

On July 30, 2005, the Friends of the Rappahannock and the City of Fredericksburg honored Senator WARNER in a ''Rappahannock River Running Free'' celebration. The American Canoe Association, established in 1880 and the nation's oldest and largest canoe, kayak, and rafting organization, stated: ''For over 150 years the Rappahannock River has been holding its breath behind a wall of iron, concrete, and wood. U.S. Senator JOHN W. WARNER's efforts have allowed the Rappahannock River to breathe free once again. In appreciation of his efforts, the community of paddlers and river users has bestowed upon him their highest honor. So, let it be known, on behalf of the City of Fredericksburg, the Friends of the Rappahannock, the American Canoe Association, and the community of paddlers, that the new rapids formed at the removal of the dam be known, now and forever, and recorded on all maps, as 'John W. Warner Rapids' and may all your travels through be smooth.''

On 1 November 2008, Senator WARNER will be presented with a bronze plaque that will be affixed to a permanent monument along the banks of the Rappahannock River at the rapids formed by the remnants of the dam.

The actions that I have described are a shining example of the commitment Senator WARNER has shown to the environment during his 30 years in this body. He recognizes the importance of protecting and preserving natural treasures for the enjoyment of this and future generations.

It has been a pleasure and a privilege to be able to work so closely with him in this regard. For many years, Senator WARNER and I have served together on the Senate Committee on Environment and Public Works. At the start of this Congress, I became the chairman of that committee's global warming subcommittee. I was honored and delighted when Senator WARNER became, at his request, the ranking minority member of that subcommittee. In February of last year, the two of us held a subcommittee hearing on the impacts of global warming on wildlife. Senator WARNER spoke with conviction and eloquence about his commitment to wildlife conservation, and about his particular love for rivers and streams.

In an example of the courage and statesmanship for which he is rightly known, Senator WARNER joined with me to write a bill to reduce the man-made greenhouse-gas emissions that are disrupting wildlife, threatening our national security, and imperiling our economy. Last October, we introduced our Climate Security Act, and the next month both our subcommittee and the full Environment and Public Works Committee reported the bill favorably. That had never happened before with a climate bill in the U.S. Congress, and it would not have happened without the leadership, credibility, patience, and wisdom of Senator WARNER. I join many, many others in looking up to him, and I am privileged to call him my friend.

The bill that I introduce today is a fitting tribute to the legacy that Senator WARNER leaves behind as he retires. I encourage my colleagues to honor him by passing this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 655—TO IMPROVE CONGRESSIONAL OVERSIGHT OF THE INTELLIGENCE ACTIVITIES OF THE UNITED STATES

Mr. BOND (for himself, Mr. ROCKEFELLER, and Mr. WHITEHOUSE) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 655

Whereas the Select Committee on Intelligence of the Senate was created by Senate Resolution 400 in the 94th Congress to oversee and make continuing studies of the intelligence activities of the United States;

Whereas Senate Resolution 400 specifically required that the Select Committee on Intelligence be composed of at least two crossover members, with one such member from each party, from the Committee on Appropriations, the Committee on Armed Services, Committee on Foreign Relations, and the Committee on the Judiciary of the Senate, which would provide such Committees with member insight into intelligence oversight matters;

Whereas the National Commission on Terrorist Attacks Upon the United States (referred to in this Resolution as the ''9/11 Commission'') conducted a lengthy review of the facts and circumstances relating to the terrorist attacks of September 11, 2001, including those relating to the intelligence community, law enforcement agencies, and the role of congressional oversight and resource allocation;

Whereas in its final report, the 9/11 Commission found that under the Rules of the Senate and the House of Representatives in effect at the time the report was completed, the committees of Congress charged with oversight of the intelligence activities lacked the power, influence, and sustained capability to meet the daunting challenges faced by the intelligence community of the United States;

Whereas in its final report, the 9/11 Commission further found that as long as oversight is governed by such rules of the Senate and the House of Representatives, the people of the United States will not get the security they want and need;

Whereas in its final report, the 9/11 Commission further found that a strong, stable, and capable congressional committee structure is needed to give the intelligence community of the United States appropriate oversight, support, and leadership;

Whereas in its final report, the 9/11 Commission further found that the reforms recommended by the 9/11 Commission in its final report will not succeed if congressional oversight of the intelligence community in the United States is not changed;

Whereas the 9/11 Commission recommended structural changes to Congress to improve the oversight of intelligence activities;

Whereas Congress has enacted some of the recommendations made by the 9/11 Commission and is considering implementing additional recommendations of the 9/11 Commission;

Whereas the Senate adopted Senate Resolution 445 in the 108th Congress to address some of the intelligence oversight recommendations of the 9/11 Commission by abolishing term limits for the members of the Select Committee on Intelligence, clarifying jurisdiction for intelligence-related nominations, and streamlining procedures for the referral of intelligence-related legislation, but other aspects of the 9/11 Commission recommendations regarding fiscal oversight of intelligence have not been implemented;

Whereas, in Senate Resolution 445 in the 108th Congress, the Senate provided for the establishment of a Subcommittee on Intelligence of the Committee on Appropriations and gave it jurisdiction over funding for intelligence matters;

Whereas there remains a need to improve congressional oversight of the intelligence activities of the United States and provide a strong, stable, and capable congressional committee structure to provide the intelligence community appropriate oversight, support and leadership; and

Whereas there also remains a need to implement a key 9/11 Commission recommendation to make structural changes within Congress to improve the oversight of intelligence activities and provide vigilant legislative oversight to assure that such activities are in conformity with the Constitution and laws of the United States: Now, therefore, be it

Resolved,

That Senate Resolution 445, 108th Congress, agreed to October 9, 2004, is amended by striking section 402 and inserting the following:

''SEC. 402. SUBCOMMITTEE RELATED TO INTELLIGENCE APPROPRIATIONS.

''(a) ESTABLISHMENT.—There is established in the Committee on Appropriations of the Senate a Subcommittee on Intelligence.

''(b) JURISDICTION.—The Subcommittee on Intelligence established under subsection (a) shall have exclusive jurisdiction over all funding for the National Intelligence Program, as defined in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401(a)(6)).

''(c) PROCEDURE.—The Subcommittee on Intelligence established under subsection (a) shall approve for full committee consideration an annual appropriations bill for the National Intelligence Program. Upon approval by such Subcommittee on Intelligence, the annual appropriations bill for the National Intelligence Program shall be considered by the full Committee on Appropriations of the Senate, without intervening review by any other subcommittee. Upon approval by the full Committee on Appropriations, the bill shall then be reported to the Senate for consideration.

''(d) COMPOSITION.—

''(1) MEMBERS OF THE SELECT COMMITTEE ON INTELLIGENCE.—

''(A) IN GENERAL.—Members of the Committee on Appropriations of the Senate who are also members of the Select Committee on Intelligence of the Senate shall have automatic membership on the Subcommittee on Intelligence established under subsection (a).

''(B) EX OFFICIO MEMBER.—If the Chairman or Vice Chairman of the Select Committee on Intelligence of the Senate is not also a member of the Committee on Appropriations of the Senate, then such Chairman or Vice Chairman shall serve as an ex officio member of such Subcommittee on Intelligence.

''(2) SUBCOMMITTEE ON DEFENSE APPROPRIATIONS.—The Chairman and Ranking Member of the Subcommittee on Defense of the Committee on Appropriations of the Senate shall have automatic membership on such Subcommittee on Intelligence.

''(3) CHAIRMAN AND RANKING MEMBER.—The Chairman and Ranking Member of such Subcommittee on Intelligence shall be selected from among those members who are both members of the Committee on Appropriations and the Select Committee on Intelligence of the Senate.

''(4) OTHER ASSIGNMENTS.—Assignment to, and a role on, such Subcommittee on Intelligence shall not count against any other committee or subcommittee role or assignment of any member of the Committee on Appropriations of the Senate.

''(e) STAFF.—

''(1) AUTHORITY TO HIRE.—The Chairman and Ranking Member of the Subcommittee on Intelligence established under subsection (a) shall, in consultation with the Chairman and Ranking Member of the Committee on Appropriations of the Senate, select, designate, or hire staff for such Subcommittee.

''(2) ACCESS TO CLASSIFIED INFORMATION.—A member of the staff of such Subcommittee on Intelligence may not be given access to classified information by such Subcommittee unless such staff member has received an appropriate security clearance, as determined by such Subcommittee in consultation with the Director of National Intelligence.''.

SENATE RESOLUTION 656—EXPRESSING THE SENSE OF THE SENATE REGARDING THE TERRORIST ATTACKS COMMITTED AGAINST THE UNITED STATES OF AMERICA ON SEPTEMBER 11, 2001

Mr. REID (for himself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 656

Whereas at 8:46 AM on the morning of September 11, 2001, hijacked American Airlines Flight 11 was flown into the upper portion of the North Tower of the World Trade Center in New York City, New York;

Whereas 17 minutes later, at 9:03 AM, hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center;

Whereas the Fire Department of New York (FDNY), the New York Police Department (NYPD), the Port Authority Police Department (PAPD), the Office of Emergency Management (OEM) of the Mayor of New York, and countless eyewitnesses and public health officials responded immediately and valiantly to these horrific events;

Whereas at 9:37 AM, the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, whose impact caused immediate and catastrophic damage to the headquarters of the Department of Defense;

Whereas Pentagon officials, county fire, police, and sheriff departments, the Metropolitan Washington Airports Authority, the Ronald Reagan Washington National Airport Fire Department, the Fort Myer Fire Department, the Virginia State Police, the Virginia Department of Emergency Management, the Federal Bureau of Investigation, the Federal Emergency Management Agency, a National Medical Response Team, the Bureau of Alcohol, Tobacco, and Firearms,

and numerous military personnel all responded promptly and courageously to this attack on the United States military establishment;

Whereas the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others;

Whereas nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001;

Whereas the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history;

Whereas the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history;

Whereas the New York Police Department suffered 23 fatalities as a result of the terrorist attacks, the second largest loss of life of any police force in United States history, exceeded only by the number of Port Authority Police Department officers lost that same day;

Whereas seven years later, the people of the United States of America and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

Whereas seven years later, thousands of men and women in the United States Armed Forces remain in harm's way defending our Nation against those who seek to threaten the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes September 11, 2008, as a day of solemn commemoration of the events of September 11, 2001;

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks;

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of these attacks and, in doing so, bravely risked and often gave their own lives;

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend our Nation's security; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked our Nation.

Mr. BOND. Mr. President, I join my colleagues and all Americans in solemn observance of the loss of 3,000 American lives on September 11, 2001, truly the greatest tragedy on American soil in our recent history. Our thoughts and prayers are with these victims and their families.

We all know that al-Qaida terrorists declared war on the United States 7 years ago today. These vicious attacks claimed American lives and brought great concern and destruction across our country. While America has remained safe from another attack on our soil since 9/11/2001, it is by no accident.

It is fitting that as we observe the seventh anniversary of the 9/11 al-Qaida attacks, al-Qaida has been dealt a significant defeat in Iraq, both tactically and most certainly morally. It has been handed such a defeat in what its own leaders claim was the central front in the war against the United States. This victory was achieved at the hands of our brave troops and the people of Iraq.

As the result of new leadership under General Petraeus, his counterinsurgency strategy, and the surge, we are seeing our troops come home on success, including my son Sam, a marine who served two tours in Iraq. I heard about the success from the troops on the ground in my visits to Iraq, and our military leaders testified about this success before Congress, but now even the New York Times and Washington Post are writing about our return on success.

Look at some of the facts:

Anbar Province, once considered lost, has now been reclaimed by the Iraqi people. Not just in Anbar, but across the country, the Iraqis are leading operations to seek out al-Qaida—from Mosul to the Diyala Province. Across Iraq, violence is at its lowest point since the spring of 2004, and civilian deaths, sectarian killings, and suicide bombings are all down. For the Iraqi people, life is returning to normal. Markets are open and thriving, students are going to school—including girls, for the first time—and professionals are returning to work in Iraq. This win in Iraq is not only critical to the Middle East, but it is critical to our own Nation's security.

Defeat in Iraq would have given the terrorists who launched the 9/11 attacks a safe haven to exploit terror worldwide. It is fitting that on this day we honor the memory of the victims of 9/11 and their families, that we take a moment to thank our troops fighting the al-Qaida terrorists in Iraq.

Our troops fought in Iraq so that future generations of Americans will not have to fight them on our own soil. I am proud of these brave men and women who sacrificed so much in defense of freedom and security here at home. We owe them a debt that can never be repaid.

Our troops are also fighting the terrorists in Afghanistan. Troop increases are now making a difference. But it will also take smart power, a careful blend of kinetic and nonkinetic power of the United States and its allies to defeat the terrorists in Afghanistan and elsewhere; efforts to build institutions in education, rule of law, infrastructure development, roads and power; efforts such as our Missouri National Guards's agriculture development teams. These teams are training the Afghanis in sustainable agriculture methods and techniques that will help them build a more secure and stable society.

It is critical that Pakistan continue to partner with the United States in defeating the terrorists who plague Afghanistan. The Taliban and other terror fighters hide in Pakistan's remote borders. We all hope that the country's newly elected democratic leaders will seek out and destroy these terrorists, not only for the security of their country but to prevent the terrorists from gaining a haven to plot and carry out attacks on America and our allies.

As we thank our troops fighting in Iraq and Afghanistan, killing the terrorists before they can attack the homeland, we also thank the many patriots who fight unseen and unheard to keep our Nation safe. As the vice chairman of the Senate Intelligence Committee, I know all too well the dangers facing us.

I also know that in addition to our troops, our intelligence operators are on the front lines of the war on terror. Our intelligence officers and law enforcement efforts work tirelessly to stop attacks before they happen. We all owe the brave Americans who work to keep us safe, and the firefighters and first responders who come to our aid when disaster strikes.

In Congress, it is our job to ensure the intelligence community has the tools it needs to detect, disrupt, and prevent attacks on America, our troops, and our allies, which is why it is important that here in Congress we never forget the critical lessons of September 11—that our intelligence proved inadequate to stop the mass murder of innocent Americans on our own soil.

As we honor these lives lost, we must continue to work to improve our intelligence capabilities to keep a similar tragedy from ever happening again. Since 9/11 we have strived to strengthen our intelligence. My proudest accomplishment in 22 years in the Senate was the passage of the bipartisan Foreign Intelligence Surveillance Act—our Nation's early warning system to alert us of attacks. It was a long fight, but we now have a terrorist surveillance law that allows our intelligence operators to listen in on foreign terrorists.

We have also made other important changes in our laws and priorities related to the threat of international terrorism, such as the USA PATRIOT Act, intelligence reform measures, and implementing recommendations of the 9/11 Commission Act. But Congress has not done enough.

On the seventh anniversary of 9/11, it is noteworthy that there remains one unaddressed 9/11 commission recommendation, and that is to reform the legislative branch's oversight of intelligence and terrorism activities which the commission rightly described as ''dysfunctional.''

The 9/11 Commission stated:

> Of all of our recommendations, strengthening congressional oversight may be among the most difficult and important.

Yet here we are 7 years after 9/11 and 4 years past the issuance of the 9/11 commission report, and that most significant recommendation for change remains unaddressed. The Senate tinkered around the edges by adding term

limits for Intelligence Committee members, but it has not addressed the fundamental structural dysfunction regarding the fiscal oversight of the intelligence.

The 9/11 commission made two bold recommendations to fix the problem: either consolidate authorization and appropriation functions into a single committee in both Houses or create a bicameral intelligence committee. Both of these approaches were considered and rejected by the Senate during consideration of S. Res. 445 in October of 2004. But many of us believe there is a better, less disruptive way to achieve reform through a carefully constructive intelligence appropriations subcommittee.

This approach was endorsed earlier this year by all but 1 of 15 members of the Intelligence Committee in a letter sent to the majority and minority leaders along with an endorsement from the chairman and ranking member of the Homeland and Government Affairs Committee.

I ask unanimous consent that the letter be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, March 6, 2008.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR REID AND SENATOR MCCONNELL: This letter sets forth our recommendations for change within the Senate to improve congressional oversight for intelligence. Section 603 of the Implementing Recommendations of the 9/11 Commission Act (Public Law 110–53) required the Senate Select Committee on Intelligence (SSCI) and the Homeland Security and Governmental Affairs Committee (HSGAC) to undertake a review of the 9/11 Commission's Final Report with regard to intelligence reform and congressional intelligence oversight reform. It also required the Committees to submit to the Senate recommendations for reform of congressional oversight of intelligence. The recommendations in this letter match those proposed to you in a letter sent by the Chairman and Ranking Member of the Homeland Security and Governmental Affairs Committee.

On November 13, 2007, the SSCI conducted a public hearing to receive testimony from members of the 9/11 Commission, as well as from experts from the Library of Congress and the private sector. On February 27, 2008, the SSCI met to formulate conclusions on the matter. The Committee concluded that the Senate should enact either one of two options to implement the necessary changes embodied by the comments and recommendations of the 9/11 Commission.

The first option is to implement the 9/11 Commission recommendation with regard to fiscal oversight of intelligence by consolidating authorization and appropriations authority in the SSCI. This option would implement directly the 9/11 Commission recommendation. We understand that this approach was considered and rejected by the Senate during consideration of S. Res. 445 in October 2004. We note, however, that Senators Burr, Bayh, Feingold, Hagel, McCain, Snowe and Sununu have reintroduced this measure in the 110th Congress with S. Res. 375.

The second option embodies the spirit of the 9/11 Commission recommendation yet poses less structural change to the Senate and could be accomplished during this Congress simply by amending and implementing part of S. Res. 445. Section 402 of S. Res. 445 called for the creation of a Subcommittee on Intelligence within the Appropriations Committee. To date, this subcommittee has not been created. We recommend, as the second option, to amend and implement Section 402 of S. Res. 445 with the following necessary changes:

The Subcommittee on Intelligence shall be an additional appropriations subcommittee and therefore require no reorganization of the Appropriations Committee.

The Subcommittee on Intelligence shall appropriate all funds for the National Intelligence Program (NIP) (as opposed to the current situation where appropriations for the NIP are fragmented among several subcommittees within the Appropriations Committee).

There will be a mechanism allowing for the allocation of the intelligence budget to the Subcommittee through the congressional budget process.

The annual appropriations bill for the NIP reported by the Subcommittee on Intelligence shall pass from the Subcommittee to the full Appropriations Committee without intervening review by any other subcommittee; it shall then be reported to the Senate like any other appropriations measure.

Appropriations Committee members who are members of the SSCI shall have automatic membership on the Subcommittee on Intelligence as shall the Chairman and Ranking Member of the Subcommittee on Defense Appropriations.

The Chairman and Ranking member of the Subcommittee on Intelligence shall be selected from among those members who are both Appropriations Committee and SSCI members.

Assignment to and role on the Subcommittee on Intelligence shall not count against other subcommittee roles and assignments of any member of the Appropriations Committee.

The Chairman and Ranking member of the Subcommittee on Intelligence of the Appropriations Committee shall select, designate or hire staff with appropriate clearances for the Subcommittee on Intelligence.

If either, or both, the Chairman and Vice Chairman of the SSCI are not appropriations cross-over members to the SSCI, then either, or both, shall serve as ex officio members of the Subcommittee on Intelligence.

The effective date of these changes shall be the date upon which the Senate adopts these amendments to S. Res. 445.

The Senate has already voted overwhelmingly to create a Subcommittee on Intelligence of the Appropriations Committee. We believe constituting this subcommittee with the necessary stipulations above will provide the closest approximation to the 9/11 Commission recommendation for consolidation and consistency of oversight, while at the same time imposing the least alteration to Senate organization and tradition. After consulting with you on these options we plan to sponsor the appropriate Senate resolution to address this issue.

Sincerely,

John D. Rockefeller IV, Chairman; Christopher S. Bond, Vice Chairman; Dianne Feinstein; John Warner; Ron Wyden; Chuck Hagel; Evan Bayh; Saxby Chambliss; Barbara A. Mikulski; Orrin Hatch; Olympia J. Snowe; Bill Nelson; Richard Burr; Sheldon Whitehouse.

Mr. BOND. This approach embodies the spirit of the 9/11 commission recommendation, yet poses less structural change to the Senate and could be accomplished easily during this Congress simply by creating a carefully designed subcommittee on intelligence within the Appropriations Committee. The necessary parameters of this new committee are contained in the Senate resolution that I will submit momentarily. We believe these stipulations in this resolution would effect the change sought by the 9/11 commission and enable us to bring intelligence spending under effective oversight.

Now, some of my colleagues may ask themselves why I decided to file this Senate resolution today. The answer is simple. Here we are on the seventh anniversary of the 9/11 attacks and more than 4 years after the 9/11 commission's final report was issued, and we still haven't addressed the recommendation that they considered most important. Furthermore, I have tried to work within the system for 5 years now to bring about adequate change to no avail.

I believe we should no longer delay the implementation of this crucial recommendation. Congress has insisted that others reform, but we have not yet adopted any meaningful reform ourselves. The hypocrisy has not gone unnoticed by members of the 9/11 commission or by the families of the victims whom we honor today. The time has come for us to put our House in order, and I believe a carefully designed appropriations subcommittee on intelligence is the proper way to implement the spirit of the 9/11 congressional oversight recommendations.

I am concerned about wasteful spending, not just in the billions of dollars, but in the dozens of billions of dollars, that the public does not know about because it is all classified. I am concerned about technology programs that consume billions of dollars for a number of years and never get off the ground. Our current Director of National Intelligence boasted publicly about killing one such program early last year. But that was a program that our defense and intelligence leaders trumpeted for years as a silver bullet before finally throwing in the towel because it did not work. The intelligence acquisition system is hard to change, and the DNI and the intelligence community need Congress's oversight and accountability.

As for Congress, when the Intelligence Committee looks at an issue of great import for several years, and when the Armed Services Committee does the same and agrees in its assessment, yet the appropriations process is so disconnected from them that billions of dollars come to naught because the executive branch is not having its feet held to the fire, then the American taxpayers are ill served, and billions of

dollars that could have been used elsewhere are wasted.

Another example of disjointed oversight happened again yesterday in the Senate Defense Appropriations Subcommittee markup. After years of billions of dollars having been wasted by the intelligence community and the National Reconnaissance Office I proposed a much cheaper, multifunctional approach to sustain our satellite constellation.

This approach is advocated by outside experts and scientists and officials within the intelligence agencies. It also was adopted 2 years in a row by the Intelligence Committee and by the Armed Services Committee in its bill that is on the floor before us today.

Yet, in the Defense Appropriations markup yesterday, even though multiple Senators who have been studying this issue on other committees for years spoke in strong support of it, the old system kicked in and the measure was shut out; that is a structural deficiency the 9/11 Commission pointed out.

In a classified session I can give examples upon examples from other services.

Those who have the time and mandate to study the issue extensively need to be the ones whose discernment is brought to bear on those matters—this is case in point of what the 9/11 Commission said must happen in this specific area of national security, with intelligence. It is in this one area, in our front line of defense against terror, where this has to take place.

Having tried to work within the system and failed, I cannot remain silent about this sort of thing any longer.

We hear a lot today about needed change and reform coming to Washington. Let us prove to the American people that we do not need to wait for an election to start that process.

At this point, lest anyone get the wrong idea about the problems I am addressing here, I must say something about the leadership of the Defense Appropriations Subcommittee. The American people all know about our war hero from the Senate, JOHN MCCAIN, who is running for President, but I want to draw attention to another one of our war heroes who served 2 wars before Senator MCCAIN did in Vietnam, and that is Senator DAN INOUYE from Hawaii, chairman of the Defense Appropriations Subcommittee.

Senator INOUYE is a true American hero whom I have the utmost admiration for, and I greatly commend him for the manner in which he has led, and is leading, the Defense Subcommittee. He ensures that America's priorities on defense are put in the right place.

I also commend my good friend Senator STEVENS, another true American patriot and veteran. His leadership has been invaluable on this subcommittee for over two decades. And I commend my good friend Senator COCHRAN also, who has recently been sitting in for Senator STEVENS as ranking member on the subcommittee and has always listened patiently to my concerns over the years.

I cannot say enough about these three men who are true leaders; they have acted with wisdom and discernment in how they have led the subcommittee. They are good friends, they are esteemed colleagues, and I am honored to serve under their leadership. So let me make it very clear, that the problem I am addressing today is not the people; these men lead with dignity and discernment in putting together the most complicated funding bill in the Congress.

The problem rather that I am addressing is structure. With a nearly $500 billion Defense appropriations bill, of which less than 10 percent is for intelligence, and with only a handful of committee staff on hand to look at intelligence matters and barely enough time for just a few hearings on intelligence squeezed between all the defense hearings and briefings throughout the year, there is simply no way they can pay adequate attention to intelligence, it is just not possible.

They are rightly consumed with the other 90 percent of their budget that focuses on defense matters. On the Intelligence Committee, however, we spend several days each week poring over intelligence matters and receiving briefs on all aspects of the intelligence community, and with a cadre of 50 professional staff at our disposal we are able to dig real deep into a number of disciplines.

We know that change is needed, and I appreciate the leadership that Chairman ROCKEFELLER and the rest of my colleagues on the Intelligence Committee have shown on this issue. I am also grateful for the support expressed by other Members of the Senate who recognize the importance of this issue to our esteemed body.

I recognize that we are quickly running short on legislative days to get this done. However, I would ask my colleagues to give serious consideration to this Senate resolution. I stand ready to discuss its details and debate its merits. If we are not able to act in this Congress, then I expect to address this issue again first thing in the new Congress.

As we reflect on the horrible events of the September 11 terrorist attacks, I suggest to my colleagues that we all ask ourselves whether we can do more to improve congressional oversight of intelligence. I think we would all agree that the answer to that question must be an emphatic ''yes.''

If we agree that we can do more, then why don't we?

AMENDMENTS SUBMITTED AND PROPOSED

SA 5446. Mrs. DOLE 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.

SA 5447. Mr. CHAMBLISS (for himself 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 5448. Mr. AKAKA (for himself, Mr. STEVENS, Mr. INOUYE, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5449. 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 5450. Mrs. MCCASKILL (for herself, Mr. KENNEDY, and Mr. ENZI) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5451. Mr. FEINGOLD (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5452. 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 5453. Mr. SPECTER (for himself and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5454. Mr. SPECTER (for himself, Mr. DEMINT, Mr. SESSIONS, and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5455. 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 5456. Mr. REID (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 5457. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5458. 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 5459. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5460. 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 5461. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5462. 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 5463. Mr. SPECTER (for himself and 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 5464. 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 5465. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5466. Mr. SCHUMER (for himself, Mr. MARTINEZ, Mr. MENENDEZ, Mrs. CLINTON, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5467. Mr. INHOFE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5468. Mr. INHOFE (for himself, Mr. CRAPO, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5469. Mr. CHAMBLISS (for himself 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 5470. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5471. 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 5472. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5473. 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 5474. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5475. 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 5476. Mr. LAUTENBERG (for himself, Mr. SMITH, Mr. INOUYE, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5477. 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 5478. 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 5479. 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 5480. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5481. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5482. Mr. KERRY (for himself, Ms. SNOWE, Mr. MENENDEZ, Mr. LAUTENBERG, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5483. 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 5484. Mr. FEINGOLD (for himself, Mr. NELSON, of Florida, 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 5485. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5486. Mr. BROWN (for himself 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 5487. Mr. CASEY (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 5488. 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 5489. Mr. LIEBERMAN (for himself, Mr. GRAHAM, and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5490. 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 5491. Mr. WARNER (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5492. 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 5493. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5494. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5495. 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 5496. 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 5497. Mr. NELSON of Nebraska (for himself, Mr. GRAHAM, Mr. VOINOVICH, and Mr. CORKER) 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 5446. Mrs. DOLE 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 454, after line 21, add the following:

SEC. 2814. EXPANDED IMPLEMENTATION OF FIRST SERGEANTS BARRACKS INITIATIVE.

The Secretary of the Army shall implement the First Sergeants Barracks Initiative (FSBI) throughout the Army in order to improve the quality of life and living environments for single soldiers.

SA 5447. Mr. CHAMBLISS (for himself 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. SENSE OF SENATE ON CARE FOR WOUNDED WARRIORS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Wounded Warrior Act (title XVI of Public Law 110–181) established a comprehensive policy on improvements to care, management, and transition of recovering service members.

(2) This policy included guidance on Training and Skills of Health Care Professionals, Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers for Recovering Service Members.

(3) The Department of Veterans Affairs currently has eight fully trained Recovery Care Coordinators in the field serving 123 wounded warriors with an additional two Recovery Care Coordinators in training and additional applicants being considered.

(4) The requirement for Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers for Recovering Service Members exceeds the current availability of these personnel within the Department of Veterans Affairs and Department of Defense.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Department of Veterans Affairs and Department of Defense should—

(1) aggressively recruit, hire, and train individuals as Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers for Recovering Service Members;

(2) establish partnerships between Department of Defense medical facilities and Department of Veterans Affairs medical facilities, on the one hand, and public and private institutions of higher education, on the other hand, to assist in training medical care case management personnel needed to support returning wounded and ill service members;

(3) work closely with public and private institutions of higher education to ensure the most current care management techniques and evidenced based guidelines are incorporated into training programs for Health Care Professionals, Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers; and

(4) expand the use of Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers to include other than newly wounded and disabled recovering service members.

SA 5448. Mr. AKAKA (for himself, Mr. STEVENS, Mr. INOUYE, and Ms. MURKOWSKI) 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:

Subtitle H—Non-Foreign Area Retirement Equity Assurance

SEC. 1091. SHORT TITLE.

This title may be cited as the ''Non-Foreign Area Retirement Equity Assurance Act of 2008'' or the ''Non-Foreign AREA Act of 2008''.

SEC. 1092. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

''(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality;'';

(2) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) by redesignating subparagraph (B) as subparagraph (C);

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

''(B) positions under subsection (h)(1)(D) not covered by appraisal systems certified under section 5382; and''; and

(iv) in subparagraph (C) (as redesignated by this paragraph), by striking ''under subsection (h)(1)(D)'' and inserting ''under subsection (h)(1)(E)''; and

(B) by adding at the end the following:

''(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(D) covered by appraisal systems certified under section 5307(d).''; and

(3) in subsection (h)(1)—

(A) in subparagraph (C) by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (D) as subparagraph (E);

(C) by inserting after subparagraph (C) the following:

''(D) a Senior Executive Service position under section 3132 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2008 was eligible to receive a cost-of-living allowance under section 5941; and''; and

(D) in clause (iii) in the matter following subparagraph (D), by inserting ''stationed in the 48 contiguous States and the District of Columbia, or stationed within the United States, but outside the 48 contiguous States and the District of Columbia, in which the incumbent the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2008 was not eligible to receive a cost-of-living allowance under section 5941; and'' before the semicolon.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence ''Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) of this subsection shall be the cost-of-living allowance rate in effect on December 31, 2008, except as adjusted under subsection (c).'';

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

''(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2008.

''(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

''(A) January 1, 2009; and

''(B) on January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section 1094 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2008.

''(2)(A) In this paragraph, the term 'applicable locality-based comparability pay percentage' means, with respect to calendar year 2009 and each calendar year thereafter, the applicable percentage under section 1094 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2008.

''(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

''(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2008; and

''(ii) dividing the resulting percentage determined under clause (i) by the sum of—

''(I) one; and

''(II) the applicable locality-based comparability payment percentage expressed as a numeral.

''(3) No allowance rate computed under paragraph (2) may be less than zero.

''(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).''.

SEC. 1093. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section 1094 of this Act, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 1099 of this Act.

(b) DEPARTMENT OF VETERANS AFFAIRS.—Each special rate of pay established under section 7455 of title 38, United States Code, and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the Secretary of Veterans Affairs that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 1094 ending on the first day of the first pay period beginning on or after January 1, 2011, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. 1094. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this title or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this title, for each non-foreign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2009, by using ⅓ of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2010, by using ⅔ of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2011 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

SEC. 1095. SAVINGS PROVISION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the application of this title to any employee should not result in a decrease in the take home pay of that employee.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Bureau of Labor Statistics will conduct separate surveys pursuant to the establishment by the President's Pay Agent of 1 new locality area for the entire State of Hawaii and 1 new locality area for the entire State of Alaska, and that upon the completion of the phase in period no employee shall receive less than the Rest of the U.S. locality pay rate.

(c) SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the period described under section 1094 of this Act, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee's special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section 1094 of this Act, and corresponding increases shall be provided for all step rates of the given pay range.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this title, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2008 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate,

but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(3) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section 1094 of this Act which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code for his position including any future increase to statutory pay caps under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any

amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. 1096. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term ''covered employee'' means—

(A) any employee who—

(i) on—

(I) the day before the date of enactment of this Act—

(aa) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(bb) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(II) or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(ii) except as provided under paragraph (2), is not covered under—

(I) section 5941 of title 5, United States Code (as amended by section 1092 of this Act); and

(II) section 1094 of this Act; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code; or

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code; or

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this title (including the amendments made by this title) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section 1092 of this Act), and section 1094 of this Act apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this title shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this title including section 5941 of title 5, United States Code (as amended by section 1092 of this Act), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting ''(1)'' after ''(b)'';

(B) by striking ''Section 5941,'' and inserting ''Except as provided under paragraph (2), section 5941'';

(C) by striking ''For purposes of such section,'' and inserting ''Except as provided under paragraph (2), for purposes of section 5941 of that title,''; and

(D) by adding at the end the following:

''(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2008—

''(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003(b) and (c) whose duty station is in a nonforeign area; and

''(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) section 6(b)(2) of that Act shall apply.''.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this title, any employee of the Postal Service (other than an employee covered by section 1003(b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this title (including the amendments made by this title) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2008 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section 4.

(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section 1097 or 1098 of this Act.

SEC. 1097. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term ''covered employee'' means any employee—

(1) to whom section 1094 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2009, through December 31, 2011; and

(3) who files and election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2011.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2009 through the first applicable pay period ending on or after December 31, 2011, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—The amount of the cost-of-living allowance which may be considered basic pay under paragraph (1) may not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section 1094 of this Act did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if that subsection had been in effect during that period; and

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

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. 1098. ELECTION OF COVERAGE BY EMPLOYEES.

(a) IN GENERAL.—Notwithstanding any other provision of this title (other than section 1096(b)), an employee may make an irrevocable election in accordance with this section, if—

(1) that employee is paid an allowance under section 5941 of title 5, United States Code, during a pay period in which the date of the enactment of this Act occurs; or

(2) that employee—

(A) is a covered employee as defined under section 6(a)(1); and

(B) during a pay period in which the date of the enactment of this Act occurs is paid an allowance—

(i) under section 1603(b) of title 10, United States Code;

(ii) under section 1005(b) of title 39, United States Code; or

(iii) based on section 5941 of title 5, United States Code.

(b) FILING ELECTION.—Not later than 60 days after the date of enactment of this Act, an employee described under subsection (a) may file an election with the Office of Personnel Management to be treated for all purposes—

(1) in accordance with the provisions of this title (including the amendments made by this title); or

(2) as if the provisions of this title (including the amendments made by this title) had not been enacted, except that the cost-of-living allowance rate paid to that employee shall be the cost-of-living allowance rate in effect on December 31, 2008, for that employee without any adjustment after that date.

(c) FAILURE TO FILE.—Failure to make a timely election under this section shall be treated in the same manner as an election made under subsection (b)(1) on the last day authorized under that subsection.

(d) NOTICE.—To the greatest extent practicable, the Office of Personnel Management shall provide timely notice of the election

which may be filed under this section to employees described under subsection (a).

SEC. 1099. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this title, including—

(1) rules for special rate employees described under section 3;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 1094 ending on the first day of the first pay period beginning on or after January 1, 2011; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2011.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this title with respect to employees in such pay system, consistent with the regulations issued by the Office under subsection (a).

SEC. 1099a. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this title (including the amendments made by this title) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section 1092 and the provisions of section 1094 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2009.

SA 5449. 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 E of title III, add the following:

SEC. 344. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142) is amended—

(1) by striking ''No Federal agency'' and inserting the following:

''(a) REQUIREMENT.—Except as provided in subsection (b), no Federal agency''; and

(2) by adding at the end the following:

''(b) EXCEPTION.—Subsection (a) shall not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is produced in whole or in part from a nonconventional petroleum source, if—

''(1) the contract does not specifically require the contractor to provide a fuel from a nonconventional petroleum source;

''(2) the purpose of the contract is not to obtain a fuel from a nonconventional petroleum source;

''(3) the contract does not provide incentives (excluding compensation at market prices for the purchase of fuel purchased) for a refinery upgrade or expansion to allow a refinery to use or increase the use by the refinery of fuel from a nonconventional petroleum source; and

''(4) in the case of a fuel predominantly produced from a nonconventional petroleum source, obtaining an alternative supply is not practicable due to unavailability or substantial additional costs.''.

SA 5450. Mrs. MCCASKILL (for herself, Mr. KENNEDY, 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:

At the end of subtitle G of title X, add the following:

SEC. 1083. INDEPENDENT STUDENT.

(a) AMENDMENT.—Section 480(d)(1)(D) of the Higher Education Act of 1965 (as amended by Public Law 110–84) (20 U.S.C. 1087vv(d)(1)(D)) is amended—

(1) by striking ''(c)(1)) or is'' and inserting ''(c)(1)), is''; and

(2) by inserting '', or is a current active member of the National Guard or Reserve who has completed initial military training'' after ''purposes''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective on July 1, 2009.

SA 5451. Mr. FEINGOLD (for himself and Mr. GRASSLEY) 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—COMMISSIONS ON TREATMENT OF EUROPEAN AMERICANS, EUROPEAN LATIN AMERICANS, AND JEWISH REFUGEES DURING WORLD WAR II

SEC. 1701. SHORT TITLE.

This title may be cited as the ''Wartime Treatment Study Act''.

SEC. 1702. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States Government deemed as ''enemy aliens'' more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification and limited their travel and personal property rights. At that time, these groups were the 2 largest foreign-born groups in the United States.

(2) During World War II, the United States Government arrested, interned, or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to European Axis nations, many to be exchanged for Americans held in those nations.

(3) Pursuant to a policy coordinated by the United States with Latin American nations, many European Latin Americans, including German and Austrian Jews, were arrested, brought to the United States, and interned. Many were later expatriated, repatriated, or deported to European Axis nations during World War II, many to be exchanged for Americans and Latin Americans held in those nations.

(4) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(5) The wartime policies of the United States Government were devastating to the Italian American and German American communities, individuals, and their families. The detrimental effects are still being experienced.

(6) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution or genocide and sought safety in the United States. During the 1930's and 1940's, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(7) The United States Government should conduct an independent review to fully assess and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(8) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 1703. DEFINITIONS.

In this title:

(1) DURING WORLD WAR II.—The term ''during World War II'' refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term ''European Americans'' refers to United States citizens and resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) ITALIAN AMERICANS.—The term ''Italian Americans'' refers to United States citizens and resident aliens of Italian ancestry.

(C) GERMAN AMERICANS.—The term ''German Americans'' refers to United States citizens and resident aliens of German ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term ''European Latin Americans'' refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

(4) LATIN AMERICAN NATION.—The term ''Latin American nation'' refers to any nation in Central America, South America, or the Carribean.

Subtitle A—Commission on Wartime Treatment of European Americans

SEC. 1711. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this subtitle as the ''European American Commission'').

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of the enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of the enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 1712. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportation of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(2) A comprehensive review of United States Government action during World War II with respect to European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportation, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall include a list of—

(A) all temporary detention and long-term internment facilities in the United States and Latin American nations that were used to detain or intern European Americans and European Latin Americans during World War II (in this paragraph referred to as ''World War II detention facilities'');

(B) the names of European Americans and European Latin Americans who died while in World War II detention facilities and where they were buried;

(C) the names of children of European Americans and European Latin Americans who were born in World War II detention facilities and where they were born; and

(D) the nations from which European Latin Americans were brought to the United States, the ships that transported them to the United States and their departure and disembarkation ports, the locations where European Americans and European Latin Americans were exchanged for persons held in European Axis nations, and the ships that transported them to Europe and their departure and disembarkation ports.

(3) A brief review of the participation by European Americans in the United States Armed Forces including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including how civil liberties can be protected during war, or an actual, attempted, or threatened invasion or incursion, an assessment of the continued viability of the Alien Enemies Acts (50 U.S.C. 21 et seq.), and public education programs related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 101(e).

SEC. 1713. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected under the Commission on Wartime and Internment of Civilians Act (Public Law 96–317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106–451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 1714. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 1715. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this subtitle.

SEC. 1716. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

Subtitle B—Commission on Wartime Treatment of Jewish Refugees

SEC. 1721. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this subtitle as the ''Jewish Refugee Commission'').

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days

after the date of the enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of the enactment of this Act.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 1722. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution or genocide in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's decision to deny Jewish and other refugees fleeing persecution or genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee law and policy relating to those fleeing persecution or genocide, including recommendations for making it easier in the future for victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 1721(e).

SEC. 1723. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this subtitle, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of the Commission on Wartime and Internment of Civilians Act (Public Law 96–317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106–451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 1724. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 1725. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $600,000 shall be available to carry out this subtitle.

SEC. 1726. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

SA 5452. 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:

On page 342, between lines 10 and 11, insert the following:

SEC. 1208. EXPANSION AND EXTENSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) EXTENSION OF AUTHORITY.—Paragraph (2) of subsection (a) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1593) and section 1022 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is amended by striking ''September 30, 2008'' and inserting ''September 30, 2010''.

(b) ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—Subsection (b) of such section 1033 is amended by adding at the end the following new paragraphs:

''(19) The Government of El Salvador.

''(20) The Government of Nicaragua.

''(21) The Government of Honduras.''.

(c) MAXIMUM ANNUAL AMOUNTS OF SUPPORT.—Subsection (e)(2) of such section is amended—

(1) by striking ''or'' after ''2006''; and

(2) by inserting before the period at the end the following: '', or $75,000,000 during either of the fiscal years 2009 and 2010''.

SA 5453. Mr. SPECTER (for himself, and Mr. KOHL) 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 the bill, insert the following:

TITLE—NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2008

SEC. ___. NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2008.

(a) SHORT TITLE.—This section may be cited as the ''No Oil Producing and Exporting Cartels Act of 2008'' or ''NOPEC''.

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

''SEC. 7A. OIL PRODUCING CARTELS.

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any

other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.''.

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

SA 5454. Mr. SPECTER (for himself, Mr. DEMINT, Mr. SESSIONS, and Mr. COBURN) 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 appropriate place, insert the following:

SEC. ___. IMMIGRANT REPATRIATION.

(a) SHORT TITLE.—This section may be cited as the ''Accountability in Immigrant Repatriation Act''.

(b) PROHIBITION ON FEDERAL FINANCIAL ASSISTANCE TO COUNTRIES THAT DENY OR UNREASONABLY DELAY THE ACCEPTANCE OF NATIONALS WHO HAVE BEEN ORDERED REMOVED FROM THE UNITED STATES.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) by redesignating section 135, as added by section 5(a) of Public Law 109–121, as section 136; and

(2) by adding at the end the following:

''SEC. 137. PROHIBITION ON FEDERAL FINANCIAL ASSISTANCE TO COUNTRIES THAT DENY OR UNREASONABLY DELAY THE REPATRIATION OF NATIONALS WHO HAVE BEEN ORDERED REMOVED FROM THE UNITED STATES.

''(a) IN GENERAL.—Except as otherwise provided under this section, funds made available under this Act may not be dispersed to a foreign country that refuses or unreasonably delays the acceptance of an alien who—

''(1) is a citizen, subject, national, or resident of such country; and

''(2) has received a final order of removal under chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.).

''(b) DEFINED TERM.—In this section and in section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)), a country is deemed to have refused or unreasonable delayed the acceptance of an alien who is a citizen, subject, national, or resident if the country does not accept the alien within 90 days after receiving a request to repatriate such alien from an official of the United States who is authorized to make such a request.

''(c) QUARTERLY REPORTS.—Not later than 90 days after the date of the enactment of this section, and every 3 months thereafter, the Secretary of Homeland Security shall submit a report to the Senate and to the House of Representatives that—

''(1) lists all the countries which refuse or unreasonably delay repatriation (as defined in subsection (b)); and

''(2) includes the total number of aliens who were refused repatriation, organized by—

''(A) country;

''(B) detention status; and

''(C) criminal status.

''(d) ISSUANCE OF TRAVEL DOCUMENTS.—Any country that is listed in a report submitted under subsection (c) shall be subject to the sanctions described in subsection (a) and in section 243(d) of the Immigration and Nationality Act unless the country issues appropriate travel documents—

''(1) not later than 100 days after the submission of such report on behalf of all aliens described in subsection (a) who have been convicted of a crime committed while in the United States; and

''(2) not later than 200 days after the submission of such report on behalf of all other aliens described in subsection (a).

''(e) WAIVER.—

''(1) REQUEST.—The President or a member of the President's cabinet who has been designated by the President, may submit a written request to Congress that this section be waived, wholly or in part, with respect to any country.

''(2) RESOLUTION OF APPROVAL.—Not later than 7 legislative days after the receipt of a waiver request under paragraph (1), the Senate and the House of Representatives shall vote on a joint resolution authorizing the waiver request.

''(3) EFFECT OF FAILURE TO VOTE.—If the Senate or the House of Representatives fails to vote on the joint resolution described in paragraph (2) before the end of the time period specified in paragraph (2), the waiver request is effectively denied.

''(f) STANDING.—A victim or an immediate family member of a victim of a crime committed by any alien described in subsection (a) after such alien has been issued a final order of removal shall have standing to sue in any Federal district court to enforce the provisions of this section and the provisions of section 243(d) of the Immigration and Nationality Act. No attorney's fees or monetary judgments may be awarded in a suit filed under this subsection.''.

(c) DISCONTINUING GRANTING VISAS TO NATIONALS OF COUNTRY DENYING OR DELAYING ACCEPTING ALIENS.—Section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)) is amended to read as follows:

''(d) DISCONTINUING GRANTING VISAS TO NATIONALS OF COUNTRY DENYING OR DELAYING ACCEPTING ALIENS.—

''(1) IN GENERAL.—If a country is listed on the most recent report submitted by the Secretary of Homeland Security to Congress under section 137(c) of the Foreign Assistance Act of 1961, the Secretary may not issue a visa to a subject, national, or resident of such country unless—

''(A) the country is in full compliance with section 137(d) of such Act; or

''(B) Congress passes a joint resolution providing for the waiver of this subsection with respect to such country.

''(2) EFFECT OF UNAUTHORIZED ISSUANCE.—Any visa issued in violation of this paragraph shall be null and void.

''(3) WAIVER.—

''(A) REQUEST.—The President or a member of the President's cabinet who has been designated by the President, may submit a written request to Congress that this subsection be waived, wholly or in part, with respect to any country.

''(B) RESOLUTION OF APPROVAL.—Not later than 7 legislative days after the receipt of a request described in subparagraph (A), the Senate and the House of Representatives shall vote on a joint resolution authorizing the waiver request.

''(C) EFFECT OF FAILURE TO VOTE.—If the Senate or the House of Representatives fails to vote on the joint resolution described in subparagraph (B), the waiver request is effectively denied.

''(4) STANDING.—A victim or an immediate family member of a victim of a crime committed by any alien described in section 137(a) of the Foreign Assistance Act of 1961 after such alien has been issued a final order of removal shall have standing to sue in any Federal district court to enforce the provisions of this subsection. No attorney's fees or monetary judgments may be awarded in a suit filed under this subsection.''.

SA 5455. 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 G of title X, add the following:

SEC. 1083. OIL SAVINGS.

(a) FINDINGS.—Congress finds that—

(1) the United States imports more oil from the Middle East today than before the attacks on the United States on September 11, 2001;

(2) the United States remains the most oil-dependent industrialized nation in the world, consuming approximately 25 percent of the oil supply of the world;

(3) the Department of Defense is the largest consumer of oil in the United States;

(4) the ongoing dependence of the United States on foreign oil is one of the greatest threats to the national security and economy of the United States; and

(5) the United States needs to take transformative steps to wean itself from its addiction to oil.

(b) POLICY ON REDUCING OIL DEPENDENCE.—It is the policy of the United States to reduce the dependence of the United States on oil, and thereby—

(1) alleviate the strategic dependence of the United States on oil-producing countries;

(2) reduce the economic vulnerability of the United States; and

(3) reduce the greenhouse gas emissions associated with oil use.

(c) OIL SAVINGS REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act and every 3 years thereafter, the Secretary of Defense shall submit to Congress a report on options for agency action that, when taken together, would save from the baseline determined under paragraph (4)—

(A) 8 percent of the oil consumed by the Department of Defense per day on average during calendar year 2016;

(B) 35 percent of the oil consumed by the Department of Defense per day on average during calendar year 2026; and

(C) 50 percent of the oil consumed by the Department of Defense per day on average during calendar year 2030.

(2) CONTENTS.—Each report shall—

(A) include a description of the advantages and disadvantages (including implications for national security) for each option; and

(B) not include options for an alternative or synthetic fuel if the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel is greater than the emissions from the equivalent quantity of conventional fuel produced from conventional petroleum sources.

(3) ADDITIONAL LEGISLATIVE AUTHORITY.—Each report may include a request to Congress for any additional legislative authority that is necessary to implement any recommendations made in the report.

(4) BASELINE.—In performing the analyses required for the report, the Secretary of Defense (in consultation with the Energy Information Administration) shall—

(A) determine oil savings as the projected reduction in oil consumption from baseline consumption by the Department of Defense as established by the reference case contained in the report of the Energy Information Administration entitled ''Annual Energy Outlook 2008'';

(B) determine the oil savings projections required on an annual basis for each of calendar years 2009 through 2030; and

(C) account for any overlap among implementation actions to ensure that the projected oil savings from all the recommendations, taken together, are as accurate as practicable.

(d) ANNUAL REPORT ON OIL SAVINGS MEASURES.—Not later than 1 year after the date of initial oil savings report under subsection (c) and annually thereafter, the Secretary of Defense shall submit to Congress a report that describes and evaluates the oil savings measures that the Department of Defense has implemented during the prior year.

(e) RELATIONSHIP TO OTHER LAWS.—Nothing in this section affects the authority provided or responsibility delegated under any other law.

SA 5456. Mr. REID (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 years, 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. RECOMMENDATIONS FOR MITIGATING THE IMPACT OF ENERGY TECHNOLOGIES ON MILITARY ACTIVITIES OR READINESS.

(a) ADVISORY COMMITTEE FOR RECOMMENDATIONS.—

(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 mitigation of adverse impacts of energy technologies (including petroleum, natural gas, oil shale, tar sands, 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, including individuals with an expertise in each of the energy technologies and their interaction with military training, operation, activities and readiness.

(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 as the advisory committee considers appropriate under that subsection.

(2) CONSULTATION.—In developing recommendations under paragraph (1), the advisory committee shall consult with such technical experts, interested parties, representatives of 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 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 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 recommendations made by the advisory committee.

(2) The official assigned the responsibility for providing advice in accordance with subsection (c).

SA 5457. Mr. DURBIN 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—VETERANS MEDICAL FACILITY MATTERS

SEC. 1701. SHORT TITLE.

This title may be cited as the ''Captain James A. Lovell Federal Health Care Center Act of 2008''.

SEC. 1702. TRANSFER OF PROPERTY.

(a) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Upon the conclusion of a resource-sharing agreement between the Secretary of Defense and the Secretary of Veterans Affairs providing for the joint use by the Department of Defense and the Department of Veterans Affairs of a facility and supporting facilities in North Chicago, Illinois, and Great Lakes, Illinois, and for joint use of related medical personal property and equipment, the Secretary of Defense may transfer, without reimbursement, to the Department of Veterans Affairs the Navy ambulatory care center (on which construction commenced in July 2008), parking structure, and supporting facilities, and related medical personal property and equipment, located in Great Lakes, Illinois.

(2) DESIGNATION OF JOINT USE FACILITY.—The facility and supporting facilities subject to joint use under the agreement and transfer under this subsection shall be designated as known as the ''Captain James A. Lovell Federal Health Care Center''.

(b) REVERSION.—

(1) IN GENERAL.—If any of the real and related personal property transferred pursuant to subsection (a) is subsequently used for purposes other than the purposes specified in the joint use specified in the resource-sharing agreement described in that subsection or otherwise determined by the Secretary of Veterans Affairs to be excess to the needs of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall offer to transfer such property, without reimbursement, to the Secretary of Defense. Any such transfer shall be completed not later than one year after the acceptance of the offer of transfer.

(2) REVERSION IN EVENT OF LACK OF FACILITIES INTEGRATION.—

(A) WITHIN INITIAL PERIOD.—During the 5-year period beginning on the date of the transfer of the real and related personal property described in subsection (a), if the Secretary of Veterans Affairs and the Secretary of Defense jointly determine that the integration of the facilities described in that subsection should not continue, the real and related personal property of the Navy ambulatory care center, parking structure, and support facilities described in that subsection shall be transferred, without reimbursement, to the Secretary of Defense. Such transfer shall occur not later than 180 days after the date of such determination by the Secretaries.

(B) AFTER INITIAL PERIOD.—After the end of the 5-year period described in subparagraph (A), if either the Secretary of Veterans Affairs or the Secretary of Defense determines that the integration of the facilities described in subsection (a) should not continue, the Secretary of Veterans Affairs shall transfer, without reimbursement, to the Secretary of Defense the real and related personal property described in paragraph (1). Such transfer shall occur not later than one year after the date of the determination by the Secretary concerned.

SEC. 1703. TRANSFER OF CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) AUTHORIZATION FOR TRANSFER OF FUNCTIONS.—

(1) IN GENERAL.—The Secretary of Defense may transfer to the Department of Veterans Affairs, and the Secretary of Veterans Affairs may accept from the Department of Defense, functions necessary for the effective operation of the Captain James A. Lovell Federal Health Care Center.

(2) TREATMENT OF TRANSFERS.—Any transfer of functions under this subsection is a transfer of functions within the meaning of section 3503 of title 5, United States Code.

(b) TERMS OF AGREEMENT.—

(1) RESOURCE-SHARING AGREEMENT.—Any transfer of functions under subsection (a) shall be effectuated in a resource-sharing agreement between the Secretary of Defense and the Secretary of Veterans Affairs.

(2) ELEMENTS.—Notwithstanding any other provision of law, including but not limited to any provisions of title 5, United States Code, relating to transfers of function or reductions-in-force, the agreement described in paragraph (1) shall be controlling and may make provision for—

(A) the transfer of civilian employee positions of the Department of Defense identified in the agreement to the Department of Veterans Affairs and of the incumbent civilian employees in such positions;

(B) the transition of transferred employees to pay, benefits, and personnel systems of the Department of Veterans Affairs in a manner which will not result in any reduction of pay, grade, or employment progression of any employee or any change in employment status for employees who have already successfully completed or are in the process of completing a one-year probationary period under title 5, United States Code;

(C) the establishment of integrated seniority lists and other personnel management provisions that recognize an employee's experience and training so as to provide comparable recognition of employees previously with the Department of Veterans Affairs and employees newly transferred to such Department; and

(D) such other matters relating to civilian personnel management as the Secretary of Defense and the Secretary of Veterans Affairs consider appropriate.

(c) PRESERVATION OF AUTHORITY.—Notwithstanding subsections (a) and (b), nothing in this section shall be construed as limiting the authority of the Secretary of Defense to establish civilian employee positions in the Department of Defense and utilize all civilian personnel authorities otherwise available to the Secretary if the Secretary determines that such actions are necessary and appropriate to meet mission requirements of the Department of Defense.

SEC. 1704. EXTENSION AND EXPANSION OF JOINT INCENTIVE FUND.

(a) TEN-YEAR EXTENSION OF AUTHORITY FOR JOINT INCENTIVES PROGRAM.—Paragraph (3) of section 8111(d) of title 38, United States Code, is amended by striking ''2010'' and inserting ''2020''.

(b) FUNDING OF MAINTENANCE AND MINOR CONSTRUCTION FROM THE JOINT INCENTIVE FUND.—Paragraph (2) of such section is amended by adding at the end the following new sentence: ''Such purposes shall include real property maintenance and minor construction projects that are not required to be specifically authorized by law under section 8104 of this title and section 2805 of title 10.''.

SEC. 1705. HEALTH CARE ELIGIBILITY FOR SERVICES AT THE CAPTAIN JAMES A. LOVELL FEDERAL HEALTH CARE CENTER.

(a) IN GENERAL.—For purposes of eligibility for health care under chapter 55 of title 10, United States Code, the Captain James A. Lovell Federal Health Care Center authorized by this title may be deemed to be a facility of the uniformed services to the extent provided in an agreement between the Secretary of Defense and the Secretary of Veterans Affairs under subsection (b).

(b) ELEMENTS OF AGREEMENT.—Subsection (a) may be implemented through an agreement between the Secretary of Veterans Affairs and the Secretary of Defense. The agreement may—

(1) establish an integrated priority list for access to available care at the facility described in subsection (a), integrating the respective priority lists of the Secretaries, taking into account categories of beneficiaries, enrollment program status, and such other factors as the Secretaries determine appropriate;

(2) incorporate any resource-related limitations for access to care at that facility established by the Secretary of Defense for purposes of administering space-available eligibility for care in facilities of the uniformed services under chapter 55 of title 10, United States Code;

(3) allocate financial responsibility for care provided at that facility for individuals who are eligible for care under both title 38, United States Code, and chapter 55 of title 10, United States Code; and

(4) waive the applicability to that facility of any provision of section 8111(e) of title 38, United States Code, as specified by the Secretaries.

SA 5458. 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 B of title VII, add the following:

SEC. 714. REQUIREMENT FOR PROVISION OF MEDICAL AND DENTAL SCREENING FOR READY RESERVE MEMBERS ALERTED FOR MOBILIZATION.

Section 1074a(f)(1) of title 10, United States Code, is amended by striking ''may provide'' and inserting ''shall provide''.

SA 5459. Mr. BINGAMAN (for himself and Mr. DOMENICI) 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 I, add the following:

SEC. 152. AC–130 GUNSHIPS.

(a) REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOYMENT.—Not later than December 31, 2008, the Secretary of the Air Force shall submit to the congressional defense committees an assessment of the reduction in the service life of AC–130 gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven- to ten-year period beginning with the date of the enactment of this Act, assuming that operating tempo continues at a rate per year of the average of their operating rate for the last five years.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate by series of the maintenance costs for the AC–130 gunships during the period described in subsection (a), including any major airframe and engine overhauls of such aircraft anticipated during that period.

(2) A description by series of the age, serviceability, and capabilities of the armament systems of the AC–130 gunships.

(3) An estimate by series of the costs of modernizing the armament systems of the AC–130 gunships to achieve any necessary capability improvements.

(4) A description by series of the age and capabilities of the electronic warfare systems of the AC–130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(5) A description by series of the age of the avionics systems of the AC–130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(6) An estimate of the costs of replacing the AC–130 gunships with AC–130J gunships, including—

(A) a description of the time required for the replacement of every AC–130 gunship with an AC–130J gunship; and

(B) a comparative analysis of the costs of operation of AC–130 gunships by series, including costs of operation, maintenance, and personnel, with the anticipated costs of operation of AC–130J gunships.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 5460. 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, the Administrator for Nuclear Security shall submit to the congressional defense committees 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 5461. 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:

On page 72, after line 20, add the following:

SEC. 314. EXTENSION AND EXPANSION OF REPORTING REQUIREMENTS REGARDING DEPARTMENT OF DEFENSE ENERGY EFFICIENCY PROGRAMS.

Section 317(e) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1054) is amended to read as follows:

''(e) REPORTING REQUIREMENTS.—

''(1) IN GENERAL.—Not later than January 1, 2002, and each January 1 thereafter through 2013, the Secretary shall submit to the congressional defense a report regarding progress made toward achieving the energy efficiency goals of the Department of Defense, consistent with the provisions of section 303 of Executive Order 13123 (64 Fed. Reg. 30851; 42 U.S.C. 8521 note) and section 11(b) of Executive Order 13423 (72 Fed. Reg. 3919; 42 U.S.C. 4321 note).

''(2) REPORTS SUBMITTED AFTER JANUARY 1, 2008.—Each report required under paragraph (1) that is submitted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009 shall include the following:

''(A) A description of steps taken to ensure that facility and installation management goals are consistent with current legislative and other requirements, including applicable requirements under the Energy Independence and Security Act of 2007 (Public Law 110–140).

''(B) A description of steps taken to determine best practices for measuring energy consumption in Department of Defense facilities and installations in order to use the data for better energy management.

''(C) A description of steps taken to comply with requirements of the Energy Independence and Security Act of 2007, including new design and construction requirements for buildings.

''(D) A description of steps taken to comply with section 533 of the National Energy Conservation Policy Act (42 U.S.C. 8259b), requiring the General Services Administration and the Defense Logistics Agency to supply Energy Star and Federal Energy Management Program (FEMP) designated products to its Department of Defense customers.

''(E) A description of steps taken to ensure the use of Energy Star and FEMP designated products at military installations in government or contract maintenance activities.

''(F) A description of steps taken to comply with standards required for projects built using appropriated funds and established by the Energy Independence and Security Act of 2007 for privatized construction projects, whether residential, administrative, or industrial.

''(G) A classified annex that provides—

''(i) a systematic assessment of the risk of extended commercial power outage to critical installations;

''(ii) details on the investment strategy of the Department of Defense to reduce risks to acceptable levels based on application of Integrated Risk Management principals; and

''(iii) risk reduction solutions that emphasize the use of clean renewable energy sources and higher energy efficiency.''.

SA 5462. 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 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, 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 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 5463. Mr. SPECTER (for himself and 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 appropriate place, insert the following:

TITLE __—FREE SPEECH PROTECTION ACT OF 2008

SEC. 01. SHORT TITLE.

This title may be cited as the ''Free Speech Protection Act of 2008''.

SEC. 02. FINDINGS.

Congress finds the following:

(1) The freedom of speech and the press is enshrined in the first amendment to the Constitution of the United States.

(2) Free speech, the free exchange of information, and the free expression of ideas and opinions are essential to the functioning of representative democracy in the United States.

(3) The free expression and publication by journalists, academics, commentators, experts, and others of the information they uncover and develop through research and study is essential to the formation of sound public policy and thus to the security of the people of the United States.

(4) The first amendment jurisprudence of the Supreme Court of the United States, articulated in such precedents as New York Times v. Sullivan (376 U.S. 254 (1964)), and its progeny, reflects the fundamental value that the people of the United States place on promoting the free exchange of ideas and information, requiring in cases involving public figures a demonstration of actual malice, that is, that allegedly defamatory, libelous, or slanderous statements about public figures are not merely false but made with knowledge of that falsity or with reckless disregard of their truth or falsity.

(5) Some persons are obstructing the free expression rights of United States persons, and the vital interest of the people of the United States in receiving information on matters of public importance, by first seeking out foreign jurisdictions that do not provide the full extent of free-speech protection that is fundamental in the United States and then suing United States persons in such jurisdictions in defamation actions based on speech uttered or published in the United States, speech that is fully protected under first amendment jurisprudence in the United States and the laws of the several States and the District of Columbia.

(6) Some of these actions are intended not only to suppress the free speech rights of journalists, academics, commentators, experts, and other individuals but to intimidate publishers and other organizations that might otherwise disseminate or support the work of those individuals with the threat of prohibitive foreign lawsuits, litigation expenses, and judgments that provide for money damages and other speech-suppressing relief.

(7) The governments and courts of some foreign countries have failed to curtail this practice, permitting lawsuits filed by persons who are often not citizens of those countries, under circumstances where there is often little or no basis for jurisdiction over the United States persons against whom such suits are brought.

(8) Some of the plaintiffs bringing such suits are intentionally and strategically refraining from filing their suits in the United States, even though the speech at issue was published in the United States, in order to avoid the Supreme Court's first amendment jurisprudence and frustrate the protections it affords United States persons.

(9) The United States persons against whom such suits are brought must consequently endure the prohibitive expense, inconvenience, and anxiety attendant to being sued in foreign courts for conduct that is protected under the first amendment, or decline to answer such suits and risk the entry of costly default judgments that may be executed in countries other than the United States where those individuals travel or own property.

(10) Journalists, academics, commentators, experts, and others subjected to such suits are suffering concrete and profound financial and professional damage for engaging in conduct that is protected under the Constitution of the United States and essential to informing the people of the United States, their representatives, and other policymakers.

(11) In turn, the people of the United States are suffering concrete and profound harm because they, their representatives, and other government policymakers rely on the free expression of information, ideas, and opinions developed by responsible journalists, academics, commentators, experts, and others for the formulation of sound public policy, including national security policy.

(12) The United States respects the sovereign right of other countries to enact their own laws regarding speech, and seeks only to protect the first amendment rights of the people of the United States in connection with speech that occurs, in whole or in part, in the United States.

SEC. 03. FEDERAL CAUSE OF ACTION.

(a) CAUSE OF ACTION.—Any United States person against whom a lawsuit is brought in a foreign country for defamation on the basis of the content of any writing, utterance, or other speech by that person that has been

published, uttered, or otherwise disseminated in the United States may bring an action in a United States district court specified in subsection (f) against any person who, or entity which, serves or causes to be served, in the United States, any documents in connection with such foreign lawsuit, if the writing, utterance, or other speech at issue in the foreign lawsuit does not constitute defamation under United States law.

(b) JURISDICTION.—It shall be sufficient to establish jurisdiction over the person or entity serving or causing to be served documents in connection with the foreign lawsuit described in subsection (a) that—

(1) such person or entity has served or caused to be served, any documents in connection with the foreign lawsuit described in subsection (a) on a United States person in the United States; and

(2) such United States person has assets in the United States against which the claimant in the foreign lawsuit could execute if a judgment in the foreign lawsuit were awarded.

(c) REMEDIES.—

(1) ORDER TO BAR ENFORCEMENT AND OTHER INJUNCTIVE RELIEF.—In a cause of action described in subsection (a), if the court determines that the applicable writing, utterance, or other speech at issue in the underlying foreign lawsuit does not constitute defamation under United States law, the court shall order that any foreign judgment in the foreign lawsuit in question may not be enforced in the United States, including by any Federal, State, or local court, and may order such other injunctive relief that the court considers appropriate to protect the right to free speech under the first amendment to the Constitution of the United States.

(2) DAMAGES.—In addition to the remedy under paragraph (1), damages may be awarded to the United States person bringing the action under subsection (a), based on the following:

(A) The amount of any foreign judgment in the underlying foreign lawsuit.

(B) The costs, including reasonable legal fees, attributable to the underlying foreign lawsuit that have been borne by the United States person.

(C) The harm caused to the United States person due to decreased opportunities to publish, conduct research, or generate funding.

(d) TREBLE DAMAGES.—If, in an action brought under subsection (a), the court or, if applicable, the jury determines by a preponderance of the evidence that the person or entity bringing the foreign lawsuit which gave rise to the cause of action intentionally engaged in a scheme to suppress rights under the first amendment to the Constitution of the United States by discouraging publishers or other media from publishing, or discouraging employers, contractors, donors, sponsors, or similar financial supporters from employing, retaining, or supporting, the research, writing, or other speech of a journalist, academic, commentator, expert, or other individual, the court may award treble damages.

(e) EXPEDITED DISCOVERY.—Upon the filing of an action under subsection (a), the court may order expedited discovery if the court determines, based on the allegations in the complaint, that the speech at issue in the underlying foreign lawsuit is protected under the first amendment to the Constitution of the United States.

(f) VENUE.—An action under subsection (a) may be brought by a United States person only in a United States district court in which the United States person is domiciled, does business, or owns real property that could be executed against in satisfaction of a judgment in the underlying foreign lawsuit which gave rise to the action.

(g) TIMING OF ACTION; STATUTE OF LIMITATIONS.—

(1) TIMING.—An action under subsection (a) may be commenced after the filing of the foreign lawsuit in a foreign country on which the action is based.

(2) STATUTE OF LIMITATIONS.—For purposes of section 1658(a) of title 28, United States Code, the cause of action under subsection (a) accrues on the first date on which papers in connection with the foreign lawsuit described in section (a), on which the cause of action is based, are served on a United States person in the United States.

SEC. 04. APPLICABILITY.

This title applies with respect to any foreign lawsuit that is described in section 3(a) in connection with papers that were served before, on, or after the date of the enactment of this title.

SEC. 05. CONSTRUCTION.

Nothing in this title limits the right of foreign litigants who bring good faith defamation actions to prevail against journalists, academics, commentators, and others who have failed to adhere to standards of professionalism by publishing false information maliciously or recklessly.

SEC. 06. DEFINITIONS.

In this title:

(1) DEFAMATION.—The term ''defamation'' means any action or other proceeding for defamation, libel, slander, or similar claim alleging that forms of speech are false, have caused damage to reputation or emotional distress, have presented a person or persons in a negative light, or have resulted in criticism or condemnation of a person or persons.

(2) FOREIGN COUNTRY.—The term ''foreign country'' means any country other than the United States.

(3) FOREIGN JUDGMENT.—The term ''foreign judgment'' means any judgment of a foreign country, including the court system or an agency of a foreign country, that grants or denies any form of relief, including injunctive relief and monetary damages, in a defamation action.

(4) FOREIGN LAWSUIT.—The term ''foreign lawsuit'' includes any other hearing or proceeding in or before any court, grand jury, department, office, agency, commission, regulatory body, legislative committee, or other authority of a foreign country or political subdivision thereof.

(5) UNITED STATES.—The term ''United States'' means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(6) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen;

(B) an alien lawfully admitted for permanent residence to the United States;

(C) an alien lawfully residing in the United States at the time that the speech that is the subject of the foreign defamation suit or proceeding was researched, prepared, or disseminated; or

(D) a business entity incorporated in, or with its primary location or place of operation in, the United States.

SA 5464. 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:

On page 72, after line 20, add the following:

SEC. 314. STUDY AND EVALUATION OF POLICIES CONCERNING THE RE-USE, RE-REFINING, OR RECYCLING OF USED FUELS AND LUBRICATING OILS.

(a) STUDY AND EVALUATION.—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 reviewing the policies and programs of the Department of Defense concerning the re-use, re-refining, or recycling of used fuels and lubricating oils for the purpose of identifying cost-savings, energy conservation, and environmental benefits.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an evaluation of the existing closed loop recycling process offered through the Defense Supply Center Richmond, Virginia;

(2) an assessment of existing programs at the military installation level;

(3) an identification of what regulatory or other barriers may exist that constrain the ability of the Department of Defense to re-use, re-refine, or recycle used fuels and lubricating oils; and

(4) an estimate of projected cost-savings, energy conservation, and environmental benefits through these Department of Defense programs.

SA 5465. Mr. CARDIN 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 XII, add the following:

SEC. 1222. SPECIAL IMMIGRANT STATUS FOR CERTAIN AFGHANS.

(a) IN GENERAL.—Subject to subsection (c), the Secretary of Homeland Security, or, notwithstanding any other provision of law, the Secretary of State in consultation with the Secretary of Homeland Security, may provide an alien described in paragraph (1), (2), or (3) of subsection (b) with the status of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), if the alien—

(1) or an agent acting on behalf of the alien, submits a petition for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(2) is otherwise eligible to receive an immigrant visa;

(3) is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)); and

(4) clears a background check and appropriate screening, as determined by the Secretary of Homeland Security.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien—

(A) is a citizen or national of Afghanistan;

(B) was or is employed by or on behalf of the United States Government in Afghanistan on or after October 7, 2001, for not less than one year;

(C) provided faithful and valuable service to the United States Government, which is documented in a positive recommendation or evaluation, subject to paragraph (4), from the employee's senior supervisor or the person currently occupying that position, or a more senior person, if the employee's senior supervisor has left the employer or has left Afghanistan; and

(D) has experienced or is experiencing an ongoing serious threat as a consequence of the alien's employment by the United States Government.

(2) SPOUSES AND CHILDREN.—An alien is described in this paragraph if the alien—

(A) is the spouse or child of a principal alien described in paragraph (1); and

(B) is accompanying or following to join the principal alien in the United States.

(3) TREATMENT OF SURVIVING SPOUSE OR CHILD.—An alien is described in this paragraph if the alien—

(A) was the spouse or child of a principal alien described in paragraph (1) who had a petition for classification approved pursuant to this section or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note), which included the alien as an accompanying spouse or child; and

(B) due to the death of the principal alien—

(i) such petition was revoked or terminate (or otherwise rendered null); and

(ii) such petition would have been approved if the principal alien had survived.

(4) APPROVAL BY CHIEF OF MISSION REQUIRED.—A recommendation or evaluation required under paragraph (1)(C) shall be accompanied by approval from the Chief of Mission, or the designee of the Chief of Mission, who shall conduct a risk assessment of the alien and an independent review of records maintained by the United States Government or hiring organization or entity to confirm employment and faithful and valuable service to the United States Government prior to approval of a petition under this section.

(c) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (3), the total number of principal aliens who may be provided special immigrant status under this section may not exceed 1500 per year for each fiscal year 2009, 2010, 2011, 2012, or 2013.

(2) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant status under this section shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

(3) CARRY FORWARD.—

(A) FISCAL YEARS 2009 THROUGH 2013.—If the numerical limitation specified in paragraph (1) is not reached during a given fiscal year referred to in such paragraph, with respect to fiscal year 2009, 2010, 2011, 2012, or 2013, the numerical limitation specified in such paragraph for the following fiscal year shall be increased by a number equal to the difference between—

(i) the numerical limitation specified in paragraph (1) for the given fiscal year; and

(ii) the number of principal aliens provided special immigrant status under this section during the given fiscal year.

(B) FISCAL YEAR 2014.—If the numerical limitation determined under subparagraph (A) is not reached in fiscal year 2013, the total number of principal aliens who may be provided special immigrant status under this section for fiscal year 2014 shall be equal to the difference between—

(i) the numerical limitation determined under subparagraph (A) for fiscal year 2013; and

(ii) the number of principal aliens provided such status under this section during fiscal year 2013.

(d) VISA AND PASSPORT ISSUANCE AND FEES.—Neither the Secretary of State nor the Secretary of Homeland Security may charge an alien described in paragraph (1), (2), or (3) of subsection (b) any fee in connection with an application for, or issuance of, a special immigrant visa. The Secretary of State shall make a reasonable effort to ensure that aliens described in this section who are issued special immigrant visas are provided with the appropriate series Afghan passport necessary to enter the United States.

(e) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the heads of other relevant Federal agencies, shall make a reasonable effort to provide an alien described in this section who is applying for a special immigrant visa with protection or the immediate removal from Afghanistan, if possible, of such alien if the Secretary determines after consultation that such alien is in imminent danger.

(f) ELIGIBILITY FOR ADMISSION UNDER OTHER CLASSIFICATION.—No alien shall be denied the opportunity to apply for admission under this section solely because such alien qualifies as an immediate relative or is eligible for any other immigrant classification.

(g) RESETTLEMENT SUPPORT.—Afghan aliens granted special immigrant status described in section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act (8 U.S.C. 1157) for a period not to exceed 8 months.

(h) ADJUSTMENT OF STATUS.—Notwithstanding paragraphs (2), (7), or (8) of subsection (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the Secretary of Homeland Security may adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence under subsection (a) of such section 245 if the alien—

(1) was paroled or admitted as a nonimmigrant into the United States; and

(2) is otherwise eligible for special immigrant status under this section and under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)).

(i) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the authority of the Secretary of Homeland Security under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note).

(j) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the implementation of this section.

(2) CONTENT.—The report required by paragraph (1) shall address steps taken, and additional administrative measures that may be needed, to ensure program integrity and national security.

(3) ADMINISTRATIVE MEASURES.—The Secretary of State and the Secretary of Homeland Security shall implement such additional administrative measures identified in the report as the they may deem necessary and appropriate to ensure program integrity and national security.

SA 5466. Mr. SCHUMER (for himself, Mr. MARTINEZ, Mr. MENENDEZ, Mrs. CLINTON, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROHIBITION ON DISCRIMINATION IN LIFE INSURANCE.

(a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsection (b), an insurer shall not—

(1) refuse to issue a policy to an individual;

(2) refuse to continue in effect the policy of an insured;

(3) limit or decrease the amount of coverage, extent of coverage, or type of coverage available under a policy to an individual; or

(4) require the payment of an additional amount as premiums for an insured under a policy (except increases in premiums in individual term insurance based upon age);

based on the lawful travel experiences of the individual or insured.

(b) EXCEPTION.—

(1) IN GENERAL.—Subsection (a) shall not apply if, with respect to the individual or insured involved, the insurer determines that—

(A) the risk of loss for the individual or insured because of travel to a specified destination at a specified time is reasonably anticipated to be greater than if the individual or insured did not travel to that destination at that time; and

(B) the risk classification referred to in subparagraph (A) is based on sound actuarial principles and actual or reasonably anticipated experience.

(2) DETERMINATIONS.—An insurer shall be deemed to meet the requirements of paragraph (1) if the action involved was taken by the insurer based on—

(A) the issuance by the Director of the Centers for Disease Control and Prevention of the highest level of alert or warning with respect to the travel destination involved, including a recommendation against non-essential travel to such destination, due to a serious health-related condition; or

(B) the existence of an ongoing armed conflict involving the military of a sovereign nation foreign to the country of conflict.

(c) DEFINITIONS.—In this section:

(1) INSURED.—The term ''insured'' means an individual whose life is insured under a policy.

(2) INSURER.—The term ''insurer'' includes any firm, corporation, partnership, association, or business that is chartered or authorized to provide insurance and issue contracts or policies by the laws of a State or the United States.

(3) POLICY.—The term ''policy'' means any individual contract for whole, endowment, universal, or term life insurance, including any benefit in the nature of such insurance arising out of membership in any fraternal or beneficial association.

(4) PREMIUM.—The term ''premium'' means the amount specified in an insurance policy to be paid to keep the policy in force.

SA 5467. Mr. INHOFE (for himself and Mr. GRASSLEY) 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 75, between lines 6 and 7, insert the following:

SEC. 323. MODIFICATION OF AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

(a) CLARIFICATION OF AUTHORITY TO ENTER INTO COOPERATIVE AGREEMENTS.—The second sentence of section 4544(a) of title 10, United States Code, as added by section 328(a)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 66), is amended by inserting after ''not more than eight contracts or cooperative agreements'' the following: ''in addition to the contracts and cooperative agreements in place as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181)''.

(b) ADDITIONAL ELEMENTS REQUIRED FOR ANALYSIS OF USE OF AUTHORITY.—Section 328(b)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 67) is amended—

(1) by striking ''a report assessing the advisability'' and inserting the following: ''a report—

''(A) assessing the advisability''; and

(2) by striking ''pursuant to such authority.'' and inserting the following: ''pursuant to such authority;

''(B) assessing the benefit to the Federal Government of using such authority;

''(C) assessing the impact of the use of such authority on the availability of facilities needed by the Army and on the private sector; and

''(D) describing the steps taken to comply with the requirements under section 4544(g) of title 10, United States Code.''.

SA 5468. Mr. INHOFE (for himself, Mr. CRAPO, 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:

Strike section 3104 and insert the following:

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $247,371,000.

(b) OFFSET.—The amount authorized to be appropriated by this division (other than the amount authorized to be appropriated for defense nuclear waste disposal) is hereby reduced by $50,000,000, with the amount of the reduction to be allocated among the accounts for which funds are authorized to be appropriated by this division in a manner specified by the Secretary of Energy.

SA 5469. Mr. CHAMBLISS (for himself 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. SENSE OF SENATE ON CARE FOR WOUNDED WARRIORS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Wounded Warrior Act (title XVI of Public Law 110–181) established a comprehensive policy on improvements to care, management, and transition of recovering service members.

(2) This policy included guidance on Training and Skills of Health Care Professionals, Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers for Recovering Service Members.

(3) The Department of Veterans Affairs currently has eight fully trained Recovery Care Coordinators in the field serving 123 wounded warriors with an additional two Recovery Care Coordinators in training and additional applicants being considered.

(4) The requirement for Recovery Care Coordinators and Medical Care Case Managers continues to exceed the current availability of these personnel within the Department of Veterans Affairs and Department of Defense.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Department of Veterans Affairs and Department of Defense should—

(1) aggressively recruit, hire, and train individuals as Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers for Recovering Service Members;

(2) establish partnerships between Department of Defense medical facilities and Department of Veterans Affairs medical facilities, on the one hand, and public and private institutions of higher education, on the other hand, to assist in training medical care case management personnel needed to support returning wounded and ill service members;

(3) work closely with public and private institutions of higher education to ensure the most current care management techniques and evidence-based guidelines are incorporated into training programs for Health Care Professionals, Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers; and

(4) ensure the availability of the services of Recovery Care Coordinators, Medical Care Case Managers, and Non-Medical Care Managers to any wounded and disabled recovering service members, who need or desire such services.

SA 5470. Mr. KERRY (for himself and Ms. SNOWE) 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:

Subtitle G—SBIR and STTR Programs

SEC. 861. DEFINITIONS.

In this subtitle—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms ''extramural budget'', ''Federal agency'', ''Small Business Innovation Research Program'', ''SBIR'', ''Small Business Technology Transfer Program'', and ''STTR'' have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term ''small business concern'' has the same meaning as under section 3 of the Small Business Act (15 U.S.C. 632).

PART I—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

SEC. 871. EXTENSION OF TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2008'' and inserting ''2022''.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking ''2009'' and inserting ''2023''.

SEC. 872. STATUS OF THE OFFICE OF TECHNOLOGY.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and'';

(3) by redesignating paragraph (8) as paragraph (9); and

(4) by adding at the end the following:

''(10) to maintain an Office of Technology—

''(A) to carry out its responsibilities under this section, headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and

''(B) which shall be independent from the Office of Government Contracting and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.''.

SEC. 873. SBIR CAP INCREASE.

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''and'' at the end; and

(B) by striking subparagraph (C) and inserting the following:

''(C) not less than 2.5 percent of such budget in fiscal year 2009;

''(D) not less than 2.6 percent of such budget in fiscal year 2010;

''(E) not less than 2.7 percent of such budget in fiscal year 2011;

''(F) not less than 2.8 percent of such budget in fiscal year 2012;

''(G) not less than 2.9 percent of such budget in fiscal year 2013;

''(H) not less than 3.0 percent of such budget in fiscal year 2014;

''(I) not less than 3.1 percent of such budget in fiscal year 2015;

''(J) not less than 3.2 percent of such budget in fiscal year 2016;

''(K) not less than 3.3 percent of such budget in fiscal year 2017;

''(L) not less than 3.4 percent of such budget in fiscal year 2018; and

''(M) not less than 3.5 percent of such budget in fiscal year 2019 and each fiscal year thereafter,''; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(B) by striking ''A Federal agency'' and inserting the following:

''(A) IN GENERAL.—A Federal agency''; and

(C) by adding at the end the following:

''(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the greatest extent practicable, the increased percentage of expenditures required under subparagraphs (D) through (M) of paragraph (1) shall not be used for new Phase I or Phase II awards and shall be used for activities that further the technology readiness levels of technologies being developed under Phase II awards, including to conduct testing and evaluation, in order to promote the transition of such technologies into commercial or

defense products or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.

''(C) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—Subparagraphs (D) through (M) of paragraph (1) shall not apply to the Department of Health and Human Services. For fiscal year 2009, and each fiscal year thereafter, the Department of Health and Human Services shall expend with small business concerns not less than 2.5 percent of the extramural budget for research or research and development of the department of Health and Human Services.''.

SEC. 874. STTR CAP INCREASE.

Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking ''thereafter.'' and inserting ''through fiscal year 2009;''; and

(3) by adding at the end the following:

''(iii) 0.4 percent for fiscal years 2010 and 2011;

''(iv) 0.5 percent for fiscal years 2012 and 2013; and

''(v) 0.6 percent for fiscal year 2014 and each fiscal year thereafter.''.

SEC. 875. SBIR AND STTR AWARD LEVELS.

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking ''$100,000'' and inserting ''$150,000''; and

(2) by striking ''$750,000'' and inserting ''$1,000,000''.

(c) TRIENNIAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D)—

(A) by striking ''5 years'' and inserting ''3 years''; and

(B) by striking ''and programmatic considerations''; and

(2) in subsection (p)(2)(B)(ix) by striking ''greater or lesser amounts to be awarded at the discretion of the awarding agency,'' and inserting ''and an adjustment for inflation of such amounts once every 3 years,''.

(d) LIMITATION ON CERTAIN AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(aa) LIMITATION ON CERTAIN AWARDS.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent. Participating agencies shall maintain information on awards exceeding the guidelines, including award amounts, justification for exceeding the amount, identities and locations of recipients, whether a recipient has received venture capital investment and, if so, if the recipient is majority-owned and controlled by multiple venture capital companies, and the Administration shall include such information in its annual report to Congress.''.

SEC. 876. AGENCY AND PROGRAM COLLABORATION.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(bb) SUBSEQUENT PHASES.—

''(1) AGENCY COLLABORATION.—A small business concern that received an award from a Federal agency under this section shall be eligible to receive an award for a subsequent phase from another Federal agency, if the head of each relevant Federal agency or its component makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administration for inclusion in the public database under subsection (k).

''(2) SBIR AND STTR COLLABORATION.—A small business concern which received an award under this section under the SBIR program or the STTR program may receive an award under this section for a subsequent phase in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administration for inclusion in the public database under subsection (k).''.

SEC. 877. ELIMINATION OF PHASE II INVITATIONS.

Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking ''to further'' and inserting: ''not encumbered by any invitation, pre-screening, pre-selection, or down-selection process between the first phase and the second phase that will further''; and

(2) in paragraph (6)(B), by striking ''to further develop proposed ideas to'' and inserting ''not encumbered by any invitation, pre-screening, pre-selection, or down-selection process between the first phase and the second phase that will further develop proposals which''.

SEC. 878. MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(cc) MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.—

''(1) AUTHORITY AND DETERMINATION.—

''(A) IN GENERAL.—Upon a written determination provided not later than 30 days in advance to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives—

''(i) the head of the SBIR program of the National Institutes of Health may award not more than 18 percent of the SBIR funds of the National Institutes of Health allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are owned in majority part by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns; and

''(ii) the head of any other Federal agency participating in the SBIR program may award not more than 8 percent of the SBIR funds of the Federal agency allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are owned in majority part by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns.

''(B) DETERMINATION.—A written determination under subparagraph (A) shall demonstrate that the use of the authority under that subparagraph will induce additional venture capital funding of small business innovations, substantially contribute to the mission of the funding Federal agency, demonstrate a need for public research, and otherwise fulfill the capital needs of small business concerns for additional financing for the SBIR project.

''(2) QUALIFICATION REQUIREMENTS.—The Administrator shall establish requirements relating to the affiliation by small business concerns with venture capital companies, which may not exclude a United States small business concern from participation in the program under paragraph (1) on the basis that the small business concern is owned in majority part by, or controlled by, more than 1 United States venture capital company, so long as no single venture capital company owns more than 49 percent of the small business concern.

''(3) REGISTRATION.—Any small business concern that is majority owned and controlled by multiple venture capital companies and qualified for participation in the program authorized under paragraph (1) shall—

''(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

''(B) indicate whether the small business concern is registered under subparagraph (A) in any SBIR proposal.

''(4) COMPLIANCE.—A Federal agency described in paragraph (1) shall collect data regarding the number and dollar amounts of phase I, phase II, and all other categories of awards under the SBIR program, and the Administrator shall report on the data and the compliance of each such Federal agency with the maximum amounts under paragraph (1) as part of the annual report by the Administration under subsection (b)(7).

''(5) ENFORCEMENT.—If a Federal agency awards more than the amount authorized under paragraph (1) for a purpose described in paragraph (1), the amount awarded in excess of the amount authorized under paragraph (1) shall be transferred to the funds for general SBIR programs from the non-SBIR research and development funds of the Federal agency within 60 days of the date on which the Federal agency awarded more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(t) VENTURE CAPITAL COMPANY.—In this Act, the term 'venture capital company' means an entity described in clause (i), (v), or (vi) of section 121.103(b) of title 13, Code of Federal Regulations (or any successor thereto).''.

(c) ASSISTANCE FOR DETERMINING AFFILIATES.—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration (with a direct link displayed on the homepage of the website of the Administration or the SBIR website of the Administration)—

(1) a clear explanation of the SBIR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(2) contact information for officers or employees of the Administration who—

(A) upon request, shall review an issue relating to the rules described in paragraph (1); and

(B) shall respond to a request under subparagraph (A) not later than 20 business days after the date on which the request is received.

SEC. 879. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

''(4) PHASE III AWARDS.—Congress intends that, to the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards, including sole

source awards, to the SBIR and STTR award recipients that developed the technology.''.

SEC. 879A. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(dd) COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.—

''(1) AUTHORIZATION.—Subject to the limitations under this section, the head of each participating Federal agency may issue SBIR and STTR awards to any eligible small business concern that—

''(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

''(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

''(2) PROHIBITION.—No Federal agency shall—

''(A) condition a SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

''(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR and STTR Policy Directives; or

''(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

''(3) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

''(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

''(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.''.

SEC. 879B. NOTICE REQUIREMENT.

The head of any Federal agency involved in a case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program or the STTR program shall provide timely notice, as determined by the Administrator, of the case or controversy to the Administrator.

PART II—OUTREACH AND COMMERCIALIZATION INITIATIVES

SEC. 881. RURAL AND STATE OUTREACH.

(a) OUTREACH.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

''(s) OUTREACH.—

''(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term 'eligible State' means a State—

''(A) if the total value of contracts awarded to the State under this section during the most recent fiscal year for which data is available was less than $5,000,000; and

''(B) that certifies to the Administration described in paragraph (2) that the State will, upon receipt of assistance under this subsection, provide matching funds from non-Federal sources in an amount that is not less than 50 percent of the amount provided under this subsection.

''(2) PROGRAM AUTHORITY.—Of amounts made available to carry out this section for each of the fiscal years 2000 through 2014, the Administrator may expend with eligible States not more than $5,000,000 in each such fiscal year in order to increase the participation of small business concerns located in those States in the programs under this section.

''(3) AMOUNT OF ASSISTANCE.—The amount of assistance provided to an eligible State under this subsection in any fiscal year—

''(A) shall be equal to not more than 50 percent of the total amount of matching funds from non-Federal sources provided by the State; and

''(B) shall not exceed $100,000.

''(4) USE OF ASSISTANCE.—Assistance provided to an eligible State under this subsection shall be used by the State, in consultation with State and local departments and agencies, for programs and activities to increase the participation of small business concerns located in the State in the programs under this section, including—

''(A) the establishment of quantifiable performance goals, including goals relating to

''(i) the number of program awards under this section made to small business concerns in the State; and

''(ii) the total amount of Federal research and development contracts awarded to small business concerns in the State;

''(B) the provision of competition outreach support to small business concerns in the State that are involved in research and development;

''(C) the development and dissemination of educational and promotional information relating to the programs under this section to small business concerns in the State; and

''(D) the establishment of initiatives to reach out to women and minorities with the goal of increasing their involvement in the SBIR and STTR programs.''.

(b) FEDERAL AND STATE PROGRAM EXTENSION.—Section 34 of the Small Business Act(15 U.S.C. 657d) is amended—

(1) in subsection (h), by striking ''2001 through 2005'' each place it appears and inserting ''2009 through 2014''; and

(2) in subsection (i), by striking ''2005'' and inserting ''2014''.

(c) RURAL AREAS.—Section 34(e)(2) of the Small Business Act (15 U.S.C. 657d(e)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

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

''(C) RURAL AREAS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 50 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in a rural area.

''(ii) ENHANCED RURAL AWARDS.—For a recipient located in a rural area that is located in a State described in subparagraph (A)(i), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in the rural area.

''(iii) DEFINITION OF RURAL AREA.—In this subparagraph, the term 'rural area' has the meaning given that term in section 1393(a)(2)) of the Internal Revenue Code of 1986.''.

SEC. 882. SBIR–STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.

(a) PILOT PROGRAM ESTABLISHED.—From amounts made available to carry out this section, the Administrator shall establish a SBIR–STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities for college students, in the fields of science, technology, engineering, and math (in this section referred to as ''STEM college students''), by providing a SBIR bonus grant.

(b) ELIGIBLE ENTITIES DEFINED.—In this section the term ''eligible entity'' means a grantee receiving a grant under the SBIR Program on the date of the bonus grant under subsection (a) that provides an internship program for STEM college students.

(c) AWARDS.—An eligible entity shall receive a bonus grant equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than $10,000 per year.

(d) EVALUATION.—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the SBIR–STEM Workforce Development Grant Pilot Program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $1,000,000 for fiscal year 2010;
(2) $1,000,000 for fiscal year 2011;
(3) $1,000,000 for fiscal year 2012;
(4) $1,000,000 for fiscal year 2013; and
(5) $1,000,000 for fiscal year 2014.

SEC. 883. TECHNICAL ASSISTANCE FOR AWARDEES.

Section 9(q)(3) of the Small Business Act (15 U.S.C. 638(q)(3)) is amended—

(1) in subparagraph (A), by striking ''$4,000'' and inserting ''$5,000'';

(2) in subparagraph (B)—

(A) by striking ''with funds available from their SBIR awards'' and inserting ''which shall be in addition to the amount of the recipient's award'';

(B) by striking ''$4,000'' and inserting ''$5,000''; and

(C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

''(D) LIMITATION.—A Federal agency may not—

''(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

''(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.''.

SEC. 884. COMMERCIALIZATION PILOT PROGRAM AT DEPARTMENT OF DEFENSE.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program''; and

(B) by adding at the end the following: ''The authority to create and administer a Commercialization Pilot Program under this

subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3136).'';

(2) in paragraph (2), by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program'';

(3) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively;

(4) by inserting after paragraph (4) the following:

''(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

''(A) establish goals for transitioning Phase III technologies in subcontracting plans; and

''(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

''(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

''(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

''(B) use incentives in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2009, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

''(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, which shall include information on the ongoing status of projects funded through the Commercialization Pilot Program and efforts to transition these technologies into programs of record or fielded systems.''; and

(5) in paragraph (8), as so redesignated, by striking ''fiscal year 2009'' and inserting ''fiscal year 2014''.

SEC. 885. COMMERCIALIZATION PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ee) PILOT PROGRAM.—

''(1) AUTHORIZATION.—Except for the Department of Defense, the head of each participating Federal agency may set aside not more than 10 percent of the SBIR and STTR funds of such agency for further technology development, testing, and evaluation of SBIR and STTR Phase II technologies (in this section referred to as a 'pilot program').

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—A Federal agency may not establish a pilot program unless such agency makes a written application to the Administrator, not less than 90 days prior to the beginning of the fiscal year in which such pilot program is to be established, based on a compelling reason that additional investment in SBIR or STTR technologies is required due to unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the agency's mission.

''(B) DETERMINATION.—The Administrator shall—

''(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the beginning of the fiscal year for which such application is submitted;

''(ii) publish such decision in the Federal Register; and

''(iii) make a copy of such decision, and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(C) MAXIMUM AMOUNT.—No award under a pilot program may be made in excess of 2 times the dollar amounts generally established for Phase II awards under this section.

''(D) MATCHING.—No award may be made under a pilot program unless new private, Federal non-SBIR, or Federal non-STTR funding which at least matches the award from the Federal agency is dedicated towards SBIR or STTR Phase II technology.

''(E) ELIGIBILITY.—Awards under a pilot program may be made to any applicant that is eligible to receive a Phase III award related to such SBIR or STTR Phase II technology.

''(F) REGISTRATION.—Applicants receiving awards under a pilot program shall register with the Administrator in a publicly available registry.

''(G) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.''.

SEC. 886. NANOTECHNOLOGY INITIATIVE.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ff) NANOTECHNOLOGY INITIATIVE.—Each Federal agency participating in the SBIR or STTR program shall encourage the submission of applications for support of nanotechnology related projects to such program.''.

(b) SUNSET.—Effective October 1, 2014, subsection (ff) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 887. ACCELERATING CURES.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

''SEC. 44. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

''(a) NIH CURES PILOT.—

''(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of all the National Institutes of Health (referred to in this section as the 'NIH') institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The advisory board shall consist of—

''(i) the Director of the NIH, the Director of the SBIR program, senior NIH agency managers, industry experts, and other program stakeholders; and

''(ii) awardees under the SBIR program of the NIH.

''(B) EQUAL REPRESENTATION.—The number of members of the advisory board described in clause (i) of subparagraph (A) shall be equal to the number of members of the advisory board described in clause (ii) of subparagraph (A).

''(b) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 National Academies of Science's report entitled 'An Assessment of the Small Business Innovation Research Program at the NIH'.

''(c) PILOT PROGRAM.—

''(1) IN GENERAL.—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.

''(2) CONSIDERATIONS.—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

''(d) REPORT TO CONGRESS.—The Director of the NIH shall submit an annual report to Congress and the independent advisory board described in subsection (a) on the activities of the SBIR program of the NIH under this section.

''(e) SBIR GRANTS AND CONTRACTS.—

''(1) IN GENERAL.—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall place an emphasis on applications that identify from the onset products and services that may enhance the development of cures and therapies.

''(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The independent advisory board described in subsection (a) shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

''(3) PHASE I AND II.—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 6 months.

''(f) LIMIT.—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot programs under subsection (c) and to carry out subsection (e).

''(g) SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2009.''.

PART III—OVERSIGHT AND EVALUATION

SEC. 891. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 872 of this Act, is amended—

(1) in paragraph (7)—

(A) by striking ''STTR programs, including the data'' and inserting the following: ''STTR programs, including—

''(A) the data'';

(B) by striking ''(g)(10), (o)(9), and (o)(15), the number'' and all that follows through ''under each of the SBIR and STTR programs, and a description'' and inserting the following: ''(g)(8) and (o)(9); and

''(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority owned and controlled by multiple venture capital firms) under each of the SBIR and STTR programs;

''(C) a description of the extent to which each Federal agency is increasing outreach

and awards to firms owned and controlled by women and minorities under each of the SBIR and STTR programs;

''(D) general information about the implementation and compliance with the allocation of funds for firms majority owned and controlled by multiple venture capital firms under each of the SBIR and STTR programs;

''(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR and the STTR Policy Directives filed by the Administrator with Federal agencies; and

''(F) a description''; and

(2) by inserting after paragraph (7) the following:

''(8) to coordinate the implementation of electronic databases at each of the participating agencies, including the technical ability of the participating agencies to electronically share data;''.

SEC. 892. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively;

(3) by inserting after paragraph (7) the following:

''(8) collect, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an awardee—

''(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

''(I) the amount of venture capital that the awardee has received as of the date of the award; and

''(II) the amount of additional capital that the awardee has invested in the SBIR technology, which shall be collected on an annual basis;

''(ii) has an investor who—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a minority or has a minority as a principal investigator;

''(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s); or

''(vi) is university faculty or a university student; and

''(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;''; and

(4) in paragraph (10), as so redesignated, by adding ''and'' at the end.

SEC. 893. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (9) and inserting the following:

''(9) collect, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an applicant or awardee—

''(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

''(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

''(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology, which shall be collected on an annual basis;

''(ii) has an investor who—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a minority or has a minority as a principal investigator;

''(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s); or

''(vi) is university faculty or a university student; and

''(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;'';

(2) in paragraph (14), by adding ''and'' at the end;

(3) by striking paragraph (15); and

(4) by redesignating paragraph (16) as paragraph (15).

SEC. 894. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

''(i) has venture capital and, if so, whether the small business concern is registered as majority owned and controlled by multiple venture capital companies as required under subsection (cc)(3);

''(ii) is owned by a woman or has a woman as a principal investigator;

''(iii) is owned by a minority or has a minority as a principal investigator;

''(iv) received assistance under the FAST program under section 34 or the outreach program under subsection (s); or

''(v) is owned by university faculty or a university student.''.

SEC. 895. GOVERNMENT DATABASE.

Section 9(k)(2) of the Small Business Act (15 U.S.C. 638(k)(2)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

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

''(C) includes, for each awardee—

''(i) the name, size, location, and any identifying number assigned by the Administration;

''(ii) whether the awardee has venture capital, and, if so—

''(I) the amount of venture capital as of the date of the award;

''(II) the percentage of ownership of the awardee held by a venture capital firm, including whether the awardee is majority owned and controlled by multiple venture capital firms; and

''(III) the amount of additional capital that the awardee has invested in the SBIR technology, which shall be collected on an annual basis;

''(iii) the names and locations of any affiliates of the awardee;

''(iv) the number of employees of the awardee;

''(v) the number of employees of the affiliates of the awardee; and

''(vi) the names and percentage of ownership of the awardee held by—

''(I) an individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

''(II) a person that is not an individual and is not organized under the laws of a State or the United States;''; and

(3) in subparagraph (D), as so redesignated—

(A) in clause (ii), by striking ''and'' at the end; and

(B) by adding at the end, the following:

''(iv) whether the applicant was majority owned and controlled by multiple venture capital firms; and

''(v) the number of employees of the applicant;''.

SEC. 896. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to determine whether Federal agencies are complying with the allocation requirements of this part and the amendments made by this part;

(2) assess the extent of compliance with the requirements of subparagraphs (A) and (B) of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by participating agencies and the Administration;

(3) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency;

(4) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency is spending for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including whether and, if so, the portion of such budget the Federal agency is spending for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(5) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), the assessments required under paragraphs (2) and (3), and the determination made under paragraph (4).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term ''applicable period'' means—

(1) for the first report submitted under this section, the period beginning on October 1, 2000, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 897. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (Public Law 106–554; 114 Stat. 2763A–671) is amended by adding at the end the following:

''(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the National Defense Authorization Act for Fiscal Year 2009, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to conduct a study described in subsection (a)(1) and make recommendations described in subsection (a)(2) not later than 4 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2009, and every 4 years thereafter.

''(2) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2009, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).''.

SEC. 898. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(gg) PHASE III REPORTING.—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award by the Federal agency—

''(1) the name of the contracting agency;

''(2) the identity of the agency or company making the Phase III award;

''(3) the identity of the company or individual receiving the Phase III award;

''(4) the dollar amount of the Phase III award; and

''(5) the Federal agency, or component of a Federal agency, making the Phase III award.''.

SEC. 898A. INTELLECTUAL PROPERTY PROTECTIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies are adhering to the data rights protections for SBIR awardees and the technologies of SBIR awardees;

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

PART IV—POLICY DIRECTIVES

SEC. 899. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this subtitle and the amendments made by this subtitle.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—The Administration shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

SA 5471. 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') authorizing 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 $200 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 5472. Mr. DURBIN 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. DEMONSTRATION PROJECT ON SERVICE OF RETIRED MILITARY NURSES AS FACULTY OF CIVILIAN NURSING SCHOOLS.

(a) DEMONSTRATION PROJECT AUTHORIZED.—The Secretary of Defense may conduct a demonstration project to assess the feasability and advisability of encouraging retired military nurses to serve as faculty at civilian nursing schools.

(b) ELIGIBILITY REQUIREMENTS.—

(1) RETIRED MILITARY NURSES.—An individual is eligible to participate in the demonstration project if the individual—

(A) is a retired nurse corps officer of an Armed Force;

(B) has at least 20 years of active service as a commissioned officer in the Armed Forces before retiring from the Armed Forces; and

(C) possesses a doctoral or master degree in nursing that qualifies the officer to become a full-time faculty member of an accredited school of nursing.

(2) CIVILIAN NURSING SCHOOLS.—A school of nursing is eligible to participate in the demonstration project if—

(A) the school is an accredited school of nursing; and

(B) the school, or its parent institution of higher education—

(i) is a school of nursing that is accredited to award, at a minimum, a bachelor of science in nursing and provides educational programs leading to such degree;

(ii) has a resident Senior Reserve Officer Training Corps unit that fulfils the requirements of sections 2101 and 2102 of title 10, United States Code;

(iii) does not prevent access to the Senior Reserve Officer Training Corps or military recruiting on campus in a manner which would lead to a denial of Federal funds under section 983 of title 10, United States Code;

(iv) provides any retired nurse corps officer participating in the demonstration project a salary and other compensation at the level to which other similarly situated faculty members of the accredited school of nursing are entitled, as determined by the Secretary of Defense; and

(v) agrees to comply with the requirements of subsection (d).

(c) EMPLOYMENT OF RETIRED MILITARY NURSES.—The Secretary of Defense may authorize a Secretary of a military department to authorize qualified schools of nursing (as described in subsection (b)(2)) to employ as faculty eligible individuals (as described in subsection (b)(1)) who are receiving retired pay, whose qualifications are approved by the Secretary of the military department and the school of nursing, and who request such employment, subject to the following:

(1) A retired nurse corps officer so employed is entitled to receive the officer's retired pay without reduction by reason of any additional amount paid to the officer by the school of nursing. In the case of payment of any such additional amount by the school of nursing, the Secretary of the military department concerned may pay the school the amount equal to one-half the amount paid to the retired officer by the institution for any period, up to a maximum of one-half of the difference between the officer's retired pay for that period and the active duty pay and allowances that the officer would have received for that period if on active duty. Payments by the Secretary of the military department concerned under this paragraph shall be made from funds specifically appropriated for that purpose.

(2) Notwithstanding any other provision of law, a retired nurse corps officer so employed shall not, while so employed, be considered to be on active duty or inactive duty training in the Armed Forces for any purpose.

(d) SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—For purposes of the eligibility of an institution under subsection (b)(2)(B)(v), the following requirements apply:

(1) The school of nursing shall provide full academic scholarships to individuals undertaking an educational program at the school of nursing leading to a bachelor of science in nursing degree who agree, upon completion of such program and subject to such terms and conditions as the Secretary of Defense shall prescribe for purposes of this section, to accept a commission as an officer in the nurse corps of an Armed Force.

(2) The total number of scholarships provided by a school of nursing under paragraph (1) shall be equivalent to the number of retired nurse corps officers who elect to serve as faculty at the school under the demonstration project.

(e) REPORT.—

(1) IN GENERAL.—Not later than 24 months after the commencement of the demonstration project, the Secretary of Defense shall submit to the congressional defense committees a report on the demonstration project.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) A description of the demonstration project under this section.

(B) The current number of retired nurse corps officers who are eligible to participate in the demonstration project.

(C) The number of retired nurse corps officers participating in the demonstration project.

(D) The number of schools of nursing participating in the demonstration project.

(E) The number of scholarships awarded to nurse officer candidates under the demonstration project.

(F) The number, if any, of nurse officer candidates who participated in the demonstration project who have accessed into the Armed Forces as a commissioned nurse corps officer, and the number, if any, of nurse officer candidates who participated in the demonstration project and did not access into the Armed Forces as a commissioned nurse corps officer.

(G) The amount, if any, of Federal funds expended on the demonstration project.

(H) Such recommendations as the Secretary of Defense considers appropriate regarding the extension or expansion of the demonstration project.

(f) DEFINITIONS.—In this section, the terms ''school of nursing'' and ''accredited'' have the meeting given such terms in section 801 of the Public Health Service Act (42 U.S.C. 296).

SA 5473. 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:

On page 360, after line 20, add the following:

SEC. 1233. REPORTS ON ENHANCING SECURITY AND STABILIZATION IN THE REGION ALONG THE BORDER OF AFGHANISTAN AND PAKISTAN.

(a) ADDITIONAL REPORTS REQUIRED.—Subsection (a) of section 1232 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392) is amended—

(1) in paragraph (1)—

(A) in the paragraph heading, by striking ''IN GENERAL'' and inserting ''INITIAL REPORT''; and

(B) by inserting after ''the appropriate congressional committees'' the following: '', the majority leader and minority leader of the Senate, and the Speaker of the House of Representatives and the minority leader of the House of Representatives'';

(2) by striking paragraph (4);

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following new paragraph:

''(3) SUBSEQUENT REPORTS.—Concurrent with the submission of each report submitted under section 1230 after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional defense committees, the majority leader and minority leader of the Senate, and the Speaker of the House of Representatives and the minority leader of the House of Representatives a report on enhancing security and stability in the region along the border of Afghanistan and Pakistan. Each such report shall include the following:

''(A) A detailed description of the efforts by the Government of Pakistan to achieve the following objectives:

''(i) Eliminate safe havens for Taliban, Al Qaeda, and other violent extremist forces on the national territory of Pakistan.

''(ii) Prevent the movement of such forces across the border of Pakistan into Afghanistan to engage in insurgent or terrorist activities.

''(B) An assessment of the Secretary of Defense as to whether Pakistan is making substantial and sustained efforts to achieve the objectives specified in subparagraph (A).

''(C) A description of any peace agreements between the Government of Pakistan and tribal leaders from regions along the Afghanistan-Pakistan border that contain commitments to prevent cross-border incursions into Afghanistan and any mechanisms in such agreements to enforce such commitments.

''(D) An assessment of the effectiveness of such peace agreements in preventing cross-border incursions into Pakistan and of the Government of Pakistan in enforcing those agreements.''.

(b) EXTENSION OF NOTIFICATION REQUIREMENT RELATING TO DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—Subsection (b)(5) of such section is amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

(c) SUBMISSION OF AFGHANISTAN REPORT TO CONGRESSIONAL LEADERSHIP.—Section 1230(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385) is amended by inserting after ''the appropriate congressional committees'' the following: '', the majority leader and minority leader of the Senate, and the Speaker of the House of Representatives and the minority leader of the House of Representatives''.

SA 5474. Mr. VITTER 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. BUY AMERICAN REQUIREMENTS FOR MILK AND POWDERED MILK PRODUCTS.

Section 2533a(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) Milk or powdered milk products.''.

SA 5475. 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 III, the following:

SEC. 332. REPORT ON EQUIPPING MILITARY AIRCRAFT WITH LASER-BASED COUNTERMEASURES FOR THE PROTECTION OF SUCH AIRCRAFT.

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 the plans of the Department of Defense for equipping fixed wing and rotary wing military aircraft with laser-based countermeasures for the protection of such aircraft. The report shall include a description of the plans of the Department to consider technologies other than Advanced Threat Infrared Countermeasure systems to provide a functional, laser-based infrared countermeasure capability for both fixed wing and rotary wing aircraft.

SA 5476. Mr. LAUTENBERG (for himself, Mr. SMITH, Mr. INOUYE, and Mr. STEVENS) 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 appropriate place, insert the following:

DIVISION —MARITIME ADMINISTRATION

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Maritime Administration Act for Fiscal Year 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Adjunct professors at the Merchant Marine Academy.
Sec. 3. Actions to address sexual harassment and violence at the Academy.
Sec. 4. Gifts to the Academy.
Sec. 5. Temporary appointments to the Academy.
Sec. 6. Riding gang member requirements.
Sec. 7. Assistance for small shipyards and maritime communities.
Sec. 8. Student incentive payment program.
Sec. 9. Marine war risk insurance.
Sec. 10. MARAD consultation on Jones Act waivers.
Sec. 11. Vessel traffic risk assessments.
Sec. 12. Small vessel exception from definition of fish processing vessel.
Sec. 13. Transportation in American vessels of government personnel and certain cargoes.
Sec. 14. Exclusion of certain employee benefits for individuals in the recreational marine industry.
Sec. 15. Authorization of appropriations for fiscal year 2009.
Sec. 16. Enforcement of maritime cabotage laws.

SEC. 2. ADJUNCT PROFESSORS AT THE MERCHANT MARINE ACADEMY.

(a) IN GENERAL.—If the Secretary of Transportation determines that there is a temporary need for adjunct professors at the United States Merchant Marine Academy, the Secretary may execute personal service contracts with adjunct professors to meet that need.

(b) LIMITATIONS.—

(1) NUMBER.—The Secretary may not execute such contracts with more than 25 individuals under subsection (a) to provide service as adjunct professors during any trimester of academic year 2008–2009.

(2) CONTRACT TERM.—The Secretary may not execute a personal service contract under subsection (a) for a term that expires later than the end of academic year 2008–2009.

(c) SUNSET.—The authority of the Secretary to execute a personal service contract under subsection (a) shall terminate at the end of academic year 2008–2009.

(d) PRE-EXISTING CONTRACTS.—An employment contract executed by the Secretary before the date of enactment of this Act for service by an individual as an adjunct professor at the Academy shall be taken into account for purposes of subsection (b)(1) and shall remain in effect until the earlier of—

''(1) the end of the period of time for which the services were contracted; or

''(2) the end of academic year 2008–2009.

(e) REPORT.—If the Secretary executes one or more personal service contracts under subsection (a), the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Armed Services, and the Committees on Appropriations of both Houses specifying the specific need for each such contract and the duties that will be performed by each such adjunct professor brought under contract. The report shall be submitted solely by the Secretary and not by any designee on the Secretary's behalf.

SEC. 3. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND VIOLENCE AT THE ACADEMY.

(a) REQUIRED POLICY.—The Secretary of Transportation shall direct the Superintendent of the United States Merchant Marine Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence prescribed under this section shall include—

(1) a program to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel;

(2) procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including—

(A) a specification of the person or persons to whom an alleged occurrence of sexual harassment or sexual violence should be reported by a cadet and the options for confidential reporting;

(B) a specification of any other person whom the victim should contact; and

(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault;

(3) a procedure for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel;

(4) any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible; and

(5) required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

(c) ANNUAL ASSESSMENT.—

(1) The Secretary shall direct the Superintendent to conduct an assessment at the Academy during each Academy program year, to be administered by the Department of Transportation, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Superintendent shall conduct a survey, to be administered by the Department, of Academy personnel—

(A) to measure—

(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

(B) to assess the perceptions of Academy personnel of—

(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

(d) ANNUAL REPORT.—

(1) The Secretary shall direct the Superintendent of the Academy to submit to the Secretary a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.

(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.

(B) The policies, procedures, and processes implemented by the Superintendent and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

(C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

(4)(A) The Superintendent shall transmit to the Secretary, and to the Board of Visitors of the Academy, each report received by the Superintendent under this subsection, together with the Superintendent's comments on the report.

(B) The Secretary shall transmit each such report, together with the Secretary's comments on the report, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 4. GIFTS TO THE ACADEMY.

(a) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

''§ 51315. Gifts to the Merchant Marine Academy

''(a) In General.—The Maritime Administrator may accept and use conditional or unconditional gifts of money or property for the benefit of the United States Merchant Marine Academy, including acceptance and use for non-appropriated fund instrumentalities of the Merchant Marine Academy. The Maritime Administrator may accept a gift of services in carrying out the Administrator's duties and powers. Property accepted under this section and proceeds from that property must be used, as nearly as possible, in accordance with the terms of the gift.

''(b) ESTABLISHMENT OF ACADEMY GIFT FUND.—There is established in the Treasury a fund, to be known as the 'Academy Gift Fund'. Disbursements from the Fund shall be made on order of the Maritime Administrator. Unless otherwise specified by the terms of the gift, the Maritime Administrator may use monies in the Fund for appropriated or non-appropriated purposes at the Academy. The Fund consists of—

''(1) gifts of money;

''(2) income from donated property accepted under this section;

''(3) proceeds from the sale of donated property; and

''(4) income from securities under subsection (c) of this section;

''(c) INVESTMENT OF FUND BALANCES.—On request of the Maritime Administrator, the Secretary of the Treasury may invest and reinvest amounts in the Fund in securities of, or in securities the principal and interest of which is guaranteed by, the United States Government.

''(d) DISBURSEMENT AUTHORITY.—There are hereby appropriated from the Fund such sums as may be on deposit, to remain available until expended.''.

''(e) DEDUCTABILITY OF GIFTS.—Gifts accepted under this section are a gift to or for the use of the Government under the Internal Revenue Code of 1986.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 513 of title 46, United

States Code, is amended by inserting after the item relating to section 51314 the following:

''51315. Gifts to the Merchant Marine Academy''.

SEC. 5 TEMPORARY APPOINTMENTS TO THE ACADEMY.

(a) IN GENERAL.—Chapter 513 of title 46, United States Code, as amended by section 5 of this division, is further amended by adding at the end thereof the following:

''§ 51316. Temporary appointments to the Academy

Notwithstanding any other provision of law, the Maritime Administrator may appoint any present employee of the United States Merchant Marine Academy non-appropriated fund instrumentality to a position on the General Schedule of comparable pay. Eligible personnel shall be engaged in work permissibly funded by annual appropriations, and such appointments to the Civil Service shall be without regard to competition, for a term not to exceed 2 years.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 513 of title 46, United States Code, as amended by section 15 of this division, is amended by inserting after the item relating to section 51317 the following:

''51316. Temporary appointments to the Academy''.

SEC. 6. RIDING GANG MEMBER REQUIREMENTS.

Section 1018 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2381) is amended—

(1) by striking ''requirements'' and all that follows in subsection (a)(1) and inserting ''requirements as provided in section 8106 of title 46, United States Code.'';

(2) by striking paragraphs (2) and (3) of subsection (a) and redesignating paragraph (4) as paragraph (2);

(3) by striking ''8106'' in paragraph (2), as redesignated, of subsection (a) and inserting ''2101''; and

(4) by striking subsection (b)(1) and inserting the following:

''(1) IN GENERAL.—Pursuant to regulations issued by the Secretary of Defense, an individual—

''(A) who is aboard a vessel, which is under charter or contract for the carriage of cargo for the Department of Defense, for purposes other than engaging in the operation or maintenance of the vessel, and

''(B) who—

''(i) accompanies, supervises, guards, or maintains unit equipment aboard a ship, commonly referred to as supercargo personnel,

''(ii) is one of the force protection personnel of the vessel,

''(iii) is a specialized repair technician, or

''(iv) is otherwise required by the Secretary of Defense to be aboard the vessel,

shall not be deemed a riding gang member for purposes of title 46, United States Code.''.

SEC. 7. ASSISTANCE FOR SMALL SHIPYARDS AND MARITIME COMMUNITIES.

(a) IN GENERAL.—Title 46, United States Code, is amended by inserting the following new chapter after chapter 539:

''CHAPTER 541—MISCELLANEOUS

''Sec.

''54101. Assistance for small shipyards and maritime communities

''§ 54101. Assistance for small shipyards and maritime communities

''(a) ESTABLISHMENT OF PROGRAM.—Subject to the availability of appropriations, the Administrator of the Maritime Administration shall execute agreements with shipyards to provide assistance—

''(1) in the form of grants, loans, and loan guarantees to small shipyards for capital improvements; and

''(2) for maritime training programs to foster technical skills and operational productivity in communities whose economies are related to or dependent upon the maritime industry.

''(b) AWARDS.—In providing assistance under the program, the Administrator shall—

''(1) take into account—

''(A) the economic circumstances and conditions of maritime communities;

''(B) projects that would be effective in fostering efficiency, competitive operations, and quality ship construction, repair, and reconfiguration; and

''(C) projects that would be effective in fostering employee skills and enhancing productivity; and

''(2) make grants within 120 days after the date of enactment of the appropriations Act for the fiscal year concerned.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—Assistance provided under this section may be used—

''(A) to make capital and related improvements in small shipyards located in or near maritime communities;

''(B) to provide training for workers in communities whose economies are related to the maritime industry; and

''(C) for such other purposes as the Administrator determines to be consistent with and supplemental to such activities.

''(2) ADMINISTRATIVE COSTS.—Not more than 2 percent of amounts made available to carry out the program may be used for the necessary costs of grant administration.

''(d) PROHIBITED USES.—Grants awarded under this section may not be used to construct buildings or other physical facilities or to acquire land unless such use is specifically approved by the Administrator in support of subsection (c)(1)(C).

''(e) MATCHING REQUIREMENTS; ALLOCATION.—

''(1) FEDERAL FUNDING.—Except as provided in paragraph (2), Federal funds for any eligible project under this section shall not exceed 75 percent of the total cost of such project.

''(2) EXCEPTION.—If the Administrator determines that a proposed project merits support and cannot be undertaken without a higher percentage of Federal financial assistance, the Administrator may award a grant for such project with a lesser matching requirement than is described in paragraph (1).

''(3) ALLOCATION OF FUNDS.—The Administrator may not award more than 25 percent of the funds appropriated to carry out this section for any fiscal year to any small shipyard in one geographic location that has more than 600 employees.

''(f) APPLICATIONS.—

''(1) IN GENERAL.—To be eligible for assistance under this section, an applicant shall submit an application, in such form, and containing such information and assurances as the Administrator may require, within 60 days after the date of enactment of the appropriations Act for the fiscal year concerned.

''(2) MINIMUM STANDARDS FOR PAYMENT OR REIMBURSEMENT.—Each application submitted under paragraph (1) shall include—

''(A) a comprehensive description of—

''(i) the need for the project;

''(ii) the methodology for implementing the project; and

''(iii) any existing programs or arrangements that can be used to supplement or leverage assistance under the program.

''(3) PROCEDURAL SAFEGUARDS.—The Administrator, in consultation with the Office of the Inspector General, shall issue guidelines to establish appropriate accounting, reporting, and review procedures to ensure that—

''(A) grant funds are used for the purposes for which they were made available;

''(B) grantees have properly accounted for all expenditures of grant funds; and

''(C) grant funds not used for such purposes and amounts not obligated or expended are returned.

''(4) PROJECT APPROVAL REQUIRED.—The Administrator may not award a grant under this section unless the Administrator determines that—

''(A) sufficient funding is available to meet the matching requirements of subsection (e);

''(B) the project will be completed without unreasonable delay; and

''(C) the recipient has authority to carry out the proposed project.

''(g) AUDITS AND EXAMINATIONS.—All grantees under this section shall maintain such records as the Administrator may require and make such records available for review and audit by the Administrator.

''(h) SMALL SHIPYARD DEFINED.—In this section, the term 'small shipyard' means a shipyard facility in one geographic location that does not have more than 1,200 employees.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Maritime Administration for each of fiscal years 2006 through 2010 to carry out this section—

''(1) $5,000,000 for training grants; and

''(2) $25,000,000 for capital and related improvements.''.

(b) CONFORMING AMENDMENT.—Section 3506 of the National Defense Authorization Act for Fiscal Year 2006 (46 U.S.C. 53101 note) is repealed.

SEC. 8. STUDENT INCENTIVE PAYMENT PROGRAM.

Section 51509 of title 46, United States Code, is amended—

(1) by striking ''to the individual.'' in subsection (a) and inserting ''to the individual or the academy, as determined by the Secretary.'';

(1) by striking ''$4,000'' and inserting ''$8,000'';

(2) by striking ''as prescribed by the Secretary, while the individual is attending the academy.'' in subsection (b) and inserting ''subject to such conditions as may be prescribed by the Secretary.'';

(3) by inserting ''tuition,'' in subsection (b) after ''uniforms,''; and

(4) by striking subsection (c) and inserting the following:

''(c) MIDSHIPMAN AND ENLISTED RESERVE STATUS.—Each agreement entered into under this section shall require the individual to accept midshipman and enlisted reserve status in the United States Navy Reserve (including the Merchant Marine Reserve) or the United States Coast Guard Reserve before any payments are made under the agreement.''.

SEC. 9. MARINE WAR RISK INSURANCE.

Section 53912 of title 46, United States Code, is amended by striking ''December 31, 2010.'' and inserting ''December 31, 2015.''.

SEC. 10. MARAD CONSULTATION ON JONES ACT WAIVERS.

Section 501(b) of title 46, United States Code, is amended to read as follows:

''(b) BY HEAD OF AGENCY.—When the head of an agency responsible for the administration of the navigation or vessel-inspection laws considers it necessary in the interest of national defense, the individual, following a determination by the Maritime Administrator, acting in the Administrator's capacity as Director, National Shipping Authority, of the non-availability of qualified United States flag capacity to meet national defense requirements, may waive compliance with those laws to the extent, in the manner,

and on the terms the individual, in consultation with the Administrator, acting in that capacity, prescribes.''.

SEC. 11. VESSEL TRAFFIC RISK ASSESSMENTS.

(a) REQUIREMENT.—The Commandant of the Coast guard, acting through the appropriate Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act, shall prepare a vessel traffic risk assessment—

(1) for Cook Inlet, Alaska, within 1 year after the date of enactment of this Act; and

(2) for the Aleutian Islands, Alaska, within 2 years after the date of enactment of this Act.

(b) CONTENTS.—Each of the assessments shall describe, for the region covered by the assessment—

(1) the amount and character of present and estimated future shipping traffic in the region; and

(2) the current and projected use and effectiveness in reducing risk, of—

(A) traffic separation schemes and routing measures;

(B) long-range vessel tracking systems developed under section 70115 of title 46, United States Code;

(C) towing, response, or escort tugs;

(D) vessel traffic services;

(E) emergency towing packages on vessels;

(F) increased spill response equipment including equipment appropriate for severe weather and sea conditions;

(G) the Automatic Identification System developed under section 70114 of title 46, United States Code;

(H) particularly sensitive sea areas, areas to be avoided, and other traffic exclusion zones;

(I) aids to navigation; and

(J) vessel response plans.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Each of the assessments shall include any appropriate recommendations to enhance the safety and security, or lessen potential adverse environmental impacts, of marine shipping.

(2) CONSULTATION.—Before making any recommendations under paragraph (1) for a region, the Area Committee shall consult with affected local, State, and Federal government agencies, representatives of the fishing industry, Alaska Natives from the region, the conservation community, and the merchant shipping and oil transportation industries.

(d) PROVISION TO CONGRESS.—The Commandant shall provide a copy of each assessment to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commandant $1,800,000 for each of fiscal years 2008 and 2009 to conduct the assessments.

SEC. 12. SMALL VESSEL EXCEPTION FROM DEFINITION OF FISH PROCESSING VESSEL.

Section 2101(11b) of title 46, United States Code, is amended by striking ''chilling.'' and inserting ''chilling, but does not include a fishing vessel operating in Alaskan waters under a permit or license issued by Alaska that—

(A) fillets only salmon taken by that vessel;

(B) fillets less than 5 metric tons of such salmon during any 7-day period.''.

SEC. 13. TRANSPORTATION IN AMERICAN VESSELS OF GOVERNMENT PERSONNEL AND CERTAIN CARGOES.

(a) IN GENERAL.—Section 55305(b) of title 46, United States Code, is amended—

(1) by striking ''country'' and inserting ''country, organization, or persons'';

(2) by inserting ''or obtaining'' after ''furnishing''; and

(3) by striking ''commodities'' the first place it appears and inserting ''commodities, or provides financing in any way with Federal funds for the account of any persons unless otherwise exempted,''.

(b) OTHER AGENCIES.—Section 55305(d) of title 46, United States Code, is amended to read as follows:

''(d) PROGRAMS OF OTHER AGENCIES.—

''(1) Each department or agency that has responsibility for a program under this section shall administer that program with respect to this section under regulations and guidance issued by the Secretary of Transportation. The Secretary, after consulting with the department or agency or organization or person involved, shall have the sole responsibility for determining if a program is subject to the requirements of this section.

''(2) The Secretary—

''(A) shall conduct an annual review of the administration of programs determined pursuant to paragraph (1) as subject to the requirements of this section;

''(B) may direct agencies to require the transportation on United States-flagged vessels of cargo shipments not otherwise subject to this section in equivalent amounts to cargo determined to have been shipped on foreign carriers in violation of this section;

''(C) may impose on any person that violates this section, or a regulation prescribed under this section, a civil penalty of not more than $25,000 for each violation willfully and knowingly committed, with each day of a continuing violation following the date of shipment to be a separate violation; and

''(D) may take other measures as appropriate under the Federal Acquisition Regulations issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1) or contract with respect to each violation.''.

(c) REGULATIONS.—The Secretary of Transportation shall prescribe such rules as are necessary to carry out section 55305(d) of title 46, United States Code. The Secretary may prescribe interim rules necessary to carry out section 55305(d) of such title. An interim rule prescribed under this subsection shall remain in effect until superseded by a final rule.

(d) CHANGE OF YEAR.—Section 55314(a) of title 46, United States Code, is amended by striking ''calendar'' each place it appears and inserting ''fiscal''.

SEC. 14. EXCLUSION OF CERTAIN EMPLOYEE BENEFITS FOR INDIVIDUALS IN THE RECREATIONAL MARINE INDUSTRY.

Subparagraph (F) of section 2(3) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902(3)) is amended to read as follows:

''(F) individuals who—

''(i) are employed to manufacture any recreational vessel under 165 feet in length; or

''(ii) are employed to repair any recreational vessel or to dismantle any part of any recreational vessel in connection with repair of the vessel;''.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation, for the use of the Maritime Administration, for fiscal year 2009 the following amounts:

(1) For expenses necessary for operations and training activities, $140,112,000, of which—

(A) $79,858,000 shall remain available until expended for expenses at the United States Merchant Marine Academy, of which $26,640,000 shall be available for the capital improvement program; and

(B) $8,306,000 which shall remain available until expended for maintenance and repair of school ships at the State Maritime Academies.

(2) For expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $174,000,000.

(3) For paying reimbursement under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), $19,500,000.

(4) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92–402, $18,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $30,000,000.

(6) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the small shipyards and maritime communities assistance program under section 54101 of title 46, United States Code, $6,000,000.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available, as provided in appropriations Acts, until expended.

SEC. 16. ENFORCEMENT OF MARITIME CABOTAGE LAWS.

It is the sense of the Senate that, in order to fulfill the objectives and policies of section 50101 of title 46, United States Code, and encourage the development and maintenance of a merchant marine necessary for the national defense and the domestic commerce of the United States, the Department of Homeland Security, in cooperation with the Department of Transportation, should take measures necessary to enforce the letter and intent of the coastwise laws in chapter 551 of title 46, United States Code, and to support the cruise ship operations authorized by section 211 of title II of division B of Public Law 108–7.

SA 5477. Mr. BAUCUS 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. SERVICE AS LEGISLATIVE FELLOWS OF MEMBERS OF THE ARMED FORCES WHO ARE UNDERGOING CONVALESCENCE AT MILITARY MEDICAL TREATMENT FACILITIES IN THE NATIONAL CAPITAL REGION.

(a) ACTIONS REQUIRED.—

(1) IN GENERAL.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall take actions to ensure that eligible members of the Armed Forces who are undergoing convalescence at military medical treatment facilities in the National Capital Region, including Walter Reed Army Medical Center, District of Columbia, are informed about and encouraged to apply for selection as a legislative fellow under applicable Department of

Defense instructions controlling assignment of personnel to the Legislative Branch.

(2) VOLUNTARY PARTICIPATION.—The participation of members of the Armed Forces as a legislative fellow under this section shall be on a voluntary basis.

(3) ENCOURAGEMENT OF PARTICIPATION IN PROGRAM.—The Secretary shall take appropriate actions—

(A) to notify members of the Armed Forces described in subsection (a)(1) of their eligibility for participation as legislative fellows under this section; and

(B) to facilitate participation as legislative fellows under this section by members who elect to participate as fellows, including through the provision of appropriate support for such members in participating as fellows.

(4) PROHIBITION ON POLITICAL ACTIVITIES.—While serving in an office as a legislative fellow under this section, a member of the Armed Forces participating as a fellow may not engage in any political activity otherwise prohibited by law for similar employees of such office.

(b) PAY AND ALLOWANCES.—

(1) NO ADDITIONAL PAY AND ALLOWANCES.—A member of the Armed Forces participating as a legislative fellow under this section shall not be entitled to any pay and allowances by reason of participation as a fellow other than the pay and allowances otherwise payable to the member by law.

(2) EXPENSES.—A member of the Armed Forces participating as a legislative fellow under this section shall be paid or reimbursed for the expenses incurred by the member in connection with participation as a fellow.

(c) ADMINISTRATIVE MATTERS.—

(1) ADMINISTRATION.—The activities required by this section shall be administered within the Department of Defense by an appropriate official of the Department assigned by the Secretary for that purpose.

(2) RESPONSIBILITIES.—The official assigned under paragraph (1) shall—

(A) work collaboratively with Members and committees of Congress to identify appropriate fellowship opportunities for members of the Armed Forces seeking to participate as legislative fellows under this section; and

(B) work collaboratively with the Director of the Capitol Guide Service and Congressional Special Services Office of the Architect of the Capitol to accommodate the special physical needs of members of the Armed Forces who are participating as legislative fellows under this section.

SA 5478. 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 subsection A of title XXVIII, add the following:

SEC. 2814. MODIFICATION OF AUTHORITY TO CONVEY PROPERTY AT MILITARY INSTALLATIONS TO LIMIT ENCROACHMENT.

(a) REPEAL OF APPLICABILITY OF AUTHORITY TO EXCHANGES FOR MILITARY CONSTRUCTION PROJECTS.—Section 2869 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by striking ''military construction project or'';

(2) in subsection (b), by striking ''military construction,'' each place it appears and inserting ''land,''; and

(3) in subsection (d)(2)(A), by striking ''military construction project,'' each place it appears in clauses (ii) and (iii).

(b) REPEAL OF LIMITATION ON APPLICABILITY OF AUTHORITY TO EXCESS NON-BRAC PROPERTY.—Such section is further amended—

(1) in subsection (a), by striking paragraph (3); and

(2) in subsection (e)(2), by striking ''the period specified in paragraph (3) of subsection (a)'' and inserting ''the period beginning on October 17, 2006, and ending on September 30, 2008,''.

(c) REPEAL OF PILOT PROGRAM.—Such section is further amended by striking subsection (c).

(d) REPEAL OF REQUIREMENTS RELATING TO REPORTS.—Such section is further amended by striking subsection (f).

(e) CONFORMING AMENDMENTS.—Such section is further amended by redesignating subsections (d), (e), (g), and (h) as subsections (c), (d), (e), and (f), respectively.

(f) ADDITIONAL CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 2869. Conveyance of property at military installations to support military housing or limit encroachment''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2869 and inserting the following new item:

''2869. Conveyance of property at military installations to support military housing or limit encroachment.''.

SA 5479. 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 2009 for military personnel, $10,000,000 shall be for postal benefits provided in this section.

SA 5480. Mr. CORKER 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 V, add the following:

SEC. 572. REPORT ON CREATING CAREERS FOR MILITARY SPOUSES.

(a) STUDY.—The Under Secretary of Defense for Personnel and Readiness, in conjunction with the Deputy Under Secretary of Defense for Military Community and Family Policy, shall conduct a study of the challenges that face qualified military spouses in finding and maintaining employment during the terms of service of their active duty spouses.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Personnel and Readiness, shall submit to the congressional committees a report on the study conducted under subsection (a).

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A description of the major challenges that face qualified military spouses in finding and maintaining employment during the terms of service of their spouses.

(B) A listing of significant incentive programs the Department of Defense could utilize to create incentives for the hiring of qualified military spouses, including those the Department can implement independently and those that require statutory changes.

(C) A description of the resources available to qualified military spouses for assistance in finding and maintaining employment.

(D) An examination of the implications for retention of military service members of insufficient employment opportunities for qualified military spouses.

(E) A description of current programs to assist qualified military spouses in securing telecommuting and home office employment.

(c) QUALIFIED MILITARY SPOUSE DEFINED.—In this section, the term ''qualified military spouse'' means a spouse of a member of the Armed Forces who is serving on a period of extended active duty which includes the hiring date. For purposes of the preceding sentence, the term ''extended active duty'' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

SA 5481. Mrs. DOLE 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 458, between lines 12 and 13, insert the following:

SEC. 2842. DISPOSAL OF REAL PROPERTY AT OUTLYING LANDING FIELD, BEAUFORT AND WASHINGTON COUNTIES, NORTH CAROLINA.

Notwithstanding any other provision of law, the Secretary of the Navy shall make an exception to policy when the Secretary disposes of the land acquired for the Navy's now-cancelled Outlying Landing Field (OLF) in Beaufort and Washington Counties, North Carolina, by first offering the previous property owners the opportunity to reacquire their land by right of first refusal at fair market value. Should these parties decline the Navy's offer, the Secretary shall dispose of these properties in a manner most likely to ensure continued agricultural productivity.

SA 5482. Mr. KERRY (for himself, Ms. SNOWE, Mr. MENENDEZ, Mr. LAUTENBERG, and Mrs. CLINTON) 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. PROHIBITIONS RELATING TO PUBLICITY OR PROPAGANDA.

(a) PROHIBITION.—No part of any appropriation shall be used by the Department of Defense for publicity or propaganda purposes not authorized by Congress, including the production of any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio that it was prepared or funded by the Department.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report identifying the extent to which the Department of Defense has used appropriated funds to recruit, train, or give special consideration to retired military officers to induce them to comment favorably on the war efforts in Iraq and Afghanistan and against terrorism. This report shall also review if special access given to these retired military officers provided a competitive advantage to their employers in securing funds appropriated to the Department of Defense.

(c) LEGAL OPINION.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall issue a legal opinion to Congress on whether the Department of Defense violated appropriations prohibitions on publicity or propaganda activities established in Public Laws 107–117, 107–248, 108–87, 108–287, 109–148, 109–289, and 110–116, the Department of Defense Appropriations Acts for fiscal years 2002 through 2008, respectively, by offering special access to retired military officers who serve as media analysts, including briefings and information on war efforts, meetings with high-level department officials, and trips to Iraq and Guantanamo Bay, Cuba.

(d) RULE OF CONSTRUCTION RELATED TO INTELLIGENCE ACTIVITIES.—Nothing in this section shall be construed to apply to any lawful and authorized intelligence activity of the United States Government.

SA 5483. Ms. KLOBUCHAR 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 VII, add the following:

SEC. 714. FULL ACCESS TO MENTAL HEALTH CARE FOR FAMILY MEMBERS OF 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) 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 overseas 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 overseas, and an assessment of expanding coverage for mental health care services under the TRICARE program to mental health care services provided at facilities currently outside the accredited network of the TRICARE program.

(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 overseas during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

SA 5484. Mr. FEINGOLD (for himself, Mr. NELSON of Florida, 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 G of title V, add the following:

SEC. 587. TERMINATION OR SUSPENSION OF CONTRACTS FOR WIRELESS TELEPHONE SERVICE FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act (50 U.S.C. App. 531 et seq.) is amended by inserting after section 305 the following new section:

"SEC. 305A. TERMINATION OR SUSPENSION OF CONTRACTS FOR WIRELESS TELEPHONE SERVICE.

''(a) IN GENERAL.—A servicemember or person who is a party to a contract for wireless telephone service and receives military orders to deploy with a military unit or in support of a contingency operation for a period of not less than 90 days, or to relocate for not less than 90 days to a location that does not support the contract, may submit to the wireless telephone service provider concerned a request for the termination or suspension of the contract. The request shall include a copy of the military orders of the servicemember or person.

''(b) RELIEF.—Upon receiving the request of a servicemember or person under subsection (a), the wireless telephone service provider concerned shall, at the election of the servicemember or person—

''(1) permit the servicemember or person to terminate the contract without imposition of an early termination fee, penalty, or other obligation; or

''(2) permit the servicemember or person to suspend the contract at no charge until the servicemember or person returns to the original area of wireless telephone service coverage under the contract without requiring, whether as a condition of suspension or otherwise, that the contract be extended.

''(c) UNPAID AMOUNTS.—Nothing in this section shall be construed to relieve a servicemember or person covered by subsection (a) from the obligation to pay all outstanding amounts due under the terms of the contract before the date that the contract is terminated or suspended under subsection (b).

''(d) DEFINITIONS.—In this section:

''(1) 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 of Defense may prescribe

''(2) The term 'suspension', with respect to a contract, means the temporary cessation of service under the contract as provided in subsection (b)(2).

''(3) The term 'wireless telephone service' has the meaning given the term 'commercial mobile radio services' in section 332(c) of the Communications Act of 1934 (47 U.S.C. 332(c)).

''(4) The term 'wireless telephone service provider' means any entity that provides wireless telephone service.''.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 305 the following new item:

''Sec. 305A. Termination or suspension of contracts for wireless telephone service.''.

SA 5485. Mr. DODD (for himself and Mr. SHELBY) 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—Comprehensive Iran Sanctions, Accountability, and Divestment

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2008''.

PART I—SANCTIONS

SEC. 1251. DEFINITIONS.

In this part:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning given that term in section 14(2) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) EXECUTIVE AGENCY.—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).

(4) FAMILY MEMBER.—The term ''family member'' means, with respect to an individual, the spouse, children, grandchildren, or parents of the individual.

(5) INFORMATION AND INFORMATIONAL MATERIALS.—The term ''information and informational materials''—

(A) means information and informational materials described in section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)); and

(B) does not include information or informational materials—

(i) the exportation of which is otherwise controlled—

(I) under section 5 of the Export Administration Act of 1979 (50 U.S.C. App. 2404) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)); or

(II) under section 6 of that Act (50 U.S.C. App. 2405), to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States; or

(ii) with respect to which acts are prohibited by chapter 37 of title 18, United States Code.

(6) INVESTMENT.—The term ''investment'' has the meaning given that term in section 14(9) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(7) IRANIAN DIPLOMATS AND REPRESENTATIVES OF OTHER GOVERNMENT AND MILITARY OR QUASI-GOVERNMENTAL INSTITUTIONS OF IRAN.—The term ''Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran'' has the meaning given that term in section 14(11) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(8) MEDICAL DEVICE.—The term ''medical device'' has the meaning given the term ''device'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(9) MEDICINE.—The term ''medicine'' has the meaning given the term ''drug'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

SEC. 1252. CLARIFICATION AND EXPANSION OF DEFINITIONS.

(a) PERSON.—Section 14(13)(B) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) by inserting ''financial institution, insurer, underwriter, guarantor, and any other business organization, including any foreign subsidiary, parent, or affiliate of the foregoing,'' after ''trust,''; and

(2) by inserting '', such as an export credit agency'' before the semicolon.

(b) PETROLEUM RESOURCES.—Section 14(14) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended by striking ''petroleum and natural gas resources'' and inserting ''petroleum, petroleum by-products, oil or liquefied natural gas, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or liquefied natural gas''.

SEC. 1253. ECONOMIC SANCTIONS RELATING TO IRAN.

(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 effective date of this subtitle, the economic sanctions described in subsection (b) shall apply with respect to Iran.

(b) SANCTIONS.—The sanctions described in this subsection are the following:

(1) PROHIBITION ON IMPORTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no article that is the growth, product, or manufacture of Iran may be imported directly or indirectly into the United States.

(B) EXCEPTION.—The prohibition in subparagraph (A) does not apply to imports from Iran of information and informational materials.

(2) PROHIBITION ON EXPORTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no article that is the growth, product, or manufacture of the United States may be exported directly or indirectly to Iran.

(B) EXCEPTIONS.—The prohibition in subparagraph (A) does not apply to exports to Iran of—

(i) agricultural commodities, food, medicine, or medical devices;

(ii) articles exported to Iran to provide humanitarian assistance to the people of Iran;

(iii) information or informational materials; or

(iv) goods, services, or technologies necessary to ensure the safe operation of commercial passenger aircraft produced in the United States if the exportation of such goods, services, or technologies is approved by the Secretary of the Treasury, in consultation with the Secretary of Commerce, pursuant to regulations for licensing the exportation of such goods, services, or technologies, if appropriate.

(3) FREEZING ASSETS.—

(A) IN GENERAL.—At such time as the United States has access to the names of persons in Iran, including Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran, that are determined to be subject to sanctions imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or any other provision of law relating to the imposition of sanctions with respect to Iran, the President shall take such action as may be necessary to freeze immediately the funds and other assets belonging to anyone so named and any family members or associates of those so named to whom assets or property of those so named were transferred on or after January 1, 2008. The action described in the preceding sentence includes requiring any United States financial institution that holds funds and assets of a person so named to report promptly to the Office of Foreign Assets Control information regarding such funds and assets.

(B) ASSET REPORTING REQUIREMENT.—Not later than 14 days after a decision is made to freeze the property or assets of any person under this paragraph, the President shall report the name of such person to the appropriate congressional committees.

(4) UNITED STATES GOVERNMENT CONTRACTS.—The head of an executive agency may not procure, or enter into a contract for

the procurement of, any goods or services from a person that meets the criteria for the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(c) WAIVER.—The President may waive the application of the sanctions described in subsection (b) if the President—

(1) determines that such a waiver is in the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

SEC. 1254. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN SUBSIDIARIES.

(a) DEFINITIONS.—In this section:

(1) ENTITY.—The term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization.

(2) OWN OR CONTROL.—The term ''own or control'' means, with respect to an entity—

(A) to hold more than 50 percent of the equity interest by vote or value in the entity;

(B) to hold a majority of seats on the board of directors of the entity; or

(C) to otherwise control the actions, policies, or personnel decisions of the entity.

(3) SUBSIDIARY.—The term ''subsidiary'' means an entity that is owned or controlled, directly or indirectly, by a United States person.

(4) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a natural person who is a citizen, resident, or national of the United States; and

(B) an entity that is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own or control the entity.

(b) IN GENERAL.—A United States person shall be subject to a penalty for a violation of the provisions of Executive Order 12959 (50 U.S.C. 1701 note) or Executive Order 13059 (50 U.S.C. 1701 note), or any other prohibition on transactions with respect to Iran imposed under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), if—

(1) the President determines that the United States person establishes or maintains a subsidiary outside of the United States for the purpose of circumventing such provisions; and

(2) that subsidiary engages in an act that, if committed in the United States or by a United States person, would violate such provisions.

(c) WAIVER.—The President may waive the application of subsection (b) if the President—

(1) determines that such a waiver is in the national interest of the United States; and

(2) submits to the appropriate congressional committees a report describing the reasons for the determination.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsection (b) shall take effect on the date of the enactment of this Act and apply with respect to acts described in subsection (b)(2) that are—

(A) commenced on or after the date of the enactment of this Act; or

(B) except as provided in paragraph (2), commenced before such date of enactment, if such acts continue on or after such date of enactment.

(2) EXCEPTION.—Subsection (b) shall not apply with respect to an act described in paragraph (1)(B) by a subsidiary owned or controlled by a United States person if the United States person divests or terminates its business with the subsidiary not later than 90 days after such date of enactment.

SEC. 1255. INCREASED CAPACITY FOR EFFORTS TO COMBAT UNLAWFUL OR TERRORIST FINANCING.

(a) FINDING.—Congress finds that the work of the Office of Terrorism and Financial Intelligence of the Department of the Treasury, which includes the Office of Foreign Assets Control and the Financial Crimes Enforcement Network, is critical to ensuring that the international financial system is not used for purposes of supporting terrorism and developing weapons of mass destruction.

(b) AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE.—There is authorized to be appropriated to the Secretary of the Treasury for the Office of Terrorism and Financial Intelligence—

(1) $61,712,000 for fiscal year 2009; and

(2) such sums as may be necessary for each of the fiscal years 2010 and 2011.

(c) AUTHORIZATION OF APPROPRIATIONS FOR THE FINANCIAL CRIMES ENFORCEMENT NETWORK.—Section 310(d)(1) of title 31, United States Code, is amended by striking ''such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005'' and inserting ''$91,335,000 for fiscal year 2009 and such sums as may be necessary for each of the fiscal years 2010 and 2011''.

SEC. 1256. REPORTING REQUIREMENTS.

(a) FOREIGN INVESTMENT IN IRAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on—

(A) any foreign investments of $20,000,000 or more made in Iran's energy sector on or after January 1, 2008, and before the date on which the President submits the report; and

(B) the determination of the President on whether each such investment qualifies as a sanctionable offense under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(2) SUBSEQUENT REPORTS.—Not later than 1 year after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report on—

(A) any foreign investments of $20,000,000 or more made in Iran's energy sector during the 180-day period preceding the submission of the report; and

(B) the determination of the President on whether each such investment qualifies as a sanctionable offense under section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(b) FORM OF REPORTS.—The reports required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1257. SENSE OF CONGRESS REGARDING THE IMPOSITION OF SANCTIONS ON THE CENTRAL BANK OF IRAN.

Congress urges the President, in the strongest terms, to consider immediately using the authority of the President to impose sanctions on the Central Bank of Iran and any other Iranian bank engaged in proliferation activities or support of terrorist groups.

PART II—DIVESTMENT FROM CERTAIN COMPANIES THAT INVEST IN IRAN

SEC. 1261. DEFINITIONS.

In this part:

(1) ENERGY SECTOR.—The term ''energy sector'' refers to activities to develop petroleum or natural gas resources or nuclear power.

(2) FINANCIAL INSTITUTION.—The term ''financial institution'' has the meaning given that term in section 14(5) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) IRAN.—The term ''Iran'' includes any agency or instrumentality of Iran.

(4) PERSON.—The term ''person'' means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent company, or subsidiary of any entity described in subparagraph (A) or (B).

(5) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(6) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' includes—

(A) any State and any agency or instrumentality thereof;

(B) any local government within a State, and any agency or instrumentality thereof;

(C) any other governmental instrumentality; and

(D) any public institution of higher education within the meaning of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 1262. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES THAT INVEST IN IRAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should support the decision of any State or local government to divest from, or to prohibit the investment of assets of the State or local government in, a person that the State or local government determines poses a financial or reputational risk.

(b) AUTHORITY TO DIVEST.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (d) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities in Iran described in subsection (c).

(c) INVESTMENT ACTIVITIES DESCRIBED.—A person engages in investment activities in Iran described in this subsection if the person—

(1) has an investment of $20,000,000 or more—

(A) in the energy sector of Iran; or

(B) in a person that provides oil or liquified natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquified natural gas, for the energy sector in Iran; or

(2) is a financial institution that extends $20,000,000 or more in credit to another person, for 45 days or more, if that person will use the credit to invest in the energy sector in Iran.

(d) REQUIREMENTS.—Any measure taken by a State or local government under subsection (b) shall meet the following requirements:

(1) NOTICE.—The State or local government shall provide written notice to each person to which a measure is to be applied.

(2) TIMING.—The measure shall apply to a person not earlier than the date that is 90 days after the date on which written notice is provided to the person under paragraph (1).

(3) OPPORTUNITY FOR HEARING.—The State or local government shall provide an opportunity to comment in writing to each person to which a measure is to be applied. If the

person demonstrates to the State or local government that the person does not engage in investment activities in Iran described in subsection (c), the measure shall not apply to the person.

(4) SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has made every effort to avoid erroneously targeting the person and has verified that the person engages in investment activities in Iran described in subsection (c).

(e) NOTICE TO DEPARTMENT OF JUSTICE.—Not later than 30 days after adopting a measure pursuant to subsection (b), a State or local government shall submit written notice to the Attorney General describing the measure.

(f) NONPREEMPTION.—A measure of a State or local government authorized under subsection (b) is not preempted by any Federal law or regulation.

(g) DEFINITIONS.—In this section:

(1) INVESTMENT.—The ''investment'' of assets, with respect to a State or local government, includes—

(A) a commitment or contribution of assets;

(B) a loan or other extension of credit; and

(C) the entry into or renewal of a contract for goods or services.

(2) ASSETS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''assets'' refers to public monies and includes any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled by a State or local government.

(B) EXCEPTION.—The term ''assets'' does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section applies to measures adopted by a State or local government before, on, or after the date of the enactment of this Act.

(2) NOTICE REQUIREMENTS.—Subsections (d) and (e) apply to measures adopted by a State or local government on or after the date of the enactment of this Act.

SEC. 1263. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

(a) IN GENERAL.—Section 13(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–13(c)(1)) is amended to read as follows:

''(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company, or any employee, officer, director, or investment adviser thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by persons that the investment company determines, using credible information available to the public—

''(A) conduct or have direct investments in business operations in Sudan described in section 3(d) of the Sudan Accountability and Divestment Act of 2007 (50 U.S.C. 1701 note); or

''(B) engage in investment activities in Iran described in section 1262(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2008.''.

(b) SEC REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Securities and Exchange Commission shall issue any revisions the Commission determines to be necessary to the regulations requiring disclosure by each registered investment company that divests itself of securities in accordance with section 13(c) of the Investment Company Act of 1940 to include divestments of securities in accordance with paragraph (1)(B) of such section, as added by subsection (a).

SEC. 1264. SENSE OF CONGRESS REGARDING CERTAIN ERISA PLAN INVESTMENTS.

It is the sense of Congress that a fiduciary of an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing plan assets in, any person the fiduciary determines engages in investment activities in Iran described in section 1262(c) of this Act, without breaching the responsibilities, obligations, or duties imposed upon the fiduciary by section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104), if—

(1) the fiduciary makes such determination using credible information that is available to the public; and

(2) such divestment or avoidance of investment is conducted in accordance with section 2509.94–1 of title 29, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

PART III—PREVENTION OF TRANSSHIPMENT, REEXPORTATION, OR DIVERSION OF SENSITIVE ITEMS TO IRAN

SEC. 1271. DEFINITIONS.

In this part:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) END-USER.—The term ''end-user'' means an end-user as that term is used in the Export Administration Regulations.

(3) ENTITY OWNED OR CONTROLLED BY THE GOVERNMENT OF IRAN.—The term ''entity owned or controlled by the Government of Iran'' includes—

(A) any corporation, partnership, association, or other entity in which the Government of Iran owns a majority or controlling interest; and

(B) any entity that is otherwise controlled by the Government of Iran.

(4) EXPORT ADMINISTRATION REGULATIONS.—The term ''Export Administration Regulations'' means subchapter C of chapter VII of title 15, Code of Federal Regulations.

(5) GOVERNMENT.—The term ''government'' includes any agency or instrumentality of a government.

(6) IRAN.—The term ''Iran'' includes any agency or instrumentality of Iran.

(7) STATE SPONSOR OF TERRORISM.—The term ''state sponsor of terrorism'' means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to—

(A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);

(B) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(C) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).

(8) TRANSSHIPMENT, REEXPORTATION, OR DIVERSION.—The term ''transshipment, reexportation, or diversion'' means the exportation, directly or indirectly, of items that originated in the United States to an end-user whose identity cannot be verified or to an entity owned or controlled by the Government of Iran in violation of the laws or regulations of the United States by any means, including by—

(A) shipping such items through 1 or more foreign countries; or

(B) by using false information regarding the country of origin of such items.

SEC. 1272. IDENTIFICATION OF LOCATIONS OF CONCERN WITH RESPECT TO TRANSSHIPMENT, REEXPORTATION, OR DIVERSION OF CERTAIN ITEMS TO IRAN.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to the Secretary of Commerce, the Secretary of State, the Secretary of the Treasury, and the appropriate congressional committees a report that identifies all countries that the Director determines are of concern with respect to transshipment, reexportation, or diversion of items subject to the provisions of the Export Administration Regulations to an entity owned or controlled by the Government of Iran.

SEC. 1273. DESTINATIONS OF POSSIBLE DIVERSION CONCERN AND DESTINATIONS OF DIVERSION CONCERN.

(a) DESTINATIONS OF POSSIBLE DIVERSION CONCERN.—

(1) DESIGNATION.—The Secretary of Commerce shall designate a country as a Destination of Possible Diversion Concern if the Secretary, in consultation with the Secretary of State and the Secretary of the Treasury, determines that such designation is appropriate to carry out activities to strengthen the export control systems of that country based on criteria that include—

(A) the volume of items that originated in the United States that are transported through the country to end-users whose identities cannot be verified;

(B) the inadequacy of the export and reexport controls of the country;

(C) the unwillingness or demonstrated inability of the government of the country to control diversion activities; and

(D) the unwillingness or inability of the government of the country to cooperate with the United States in interdiction efforts.

(2) STRENGTHENING EXPORT CONTROL SYSTEMS OF DESTINATIONS OF POSSIBLE DIVERSION CONCERN.—If the Secretary of Commerce designates a country as a Destination of Possible Diversion Concern under paragraph (1), the United States shall initiate government-to-government activities described in paragraph (3) to strengthen the export control systems of the country.

(3) GOVERNMENT-TO-GOVERNMENT ACTIVITIES DESCRIBED.—The government-to-government activities described in this paragraph include—

(A) cooperation by agencies and departments of the United States with counterpart agencies and departments in a country designated as a Destination of Possible Diversion Concern under paragraph (1) to—

(i) develop or strengthen export control systems in the country;

(ii) strengthen cooperation and facilitate enforcement of export control systems in the country; and

(iii) promote information and data exchanges among agencies of the country and with the United States; and

(B) efforts by the Office of International Programs of the Department of Commerce to strengthen the export control systems of the country to—

(i) facilitate legitimate trade in high-technology goods; and

(ii) prevent terrorists and state sponsors of terrorism, including Iran, from obtaining nuclear, biological, and chemical weapons, defense technologies, components for improvised explosive devices, and other defense items.

(b) DESTINATIONS OF DIVERSION CONCERN.—

(1) DESIGNATION.—The Secretary of Commerce shall designate a country as a Destination of Diversion Concern if the Secretary, in consultation with the Secretary of State and the Secretary of the Treasury, determines—

(A) that the government of the country is directly involved in transshipment, reexportation, or diversion of items that originated in the United States to end-users whose identities cannot be verified or to entities owned or controlled by the Government of Iran; or

(B) 12 months after the Secretary of Commerce designates the country as a Destination of Possible Diversion Concern under subsection (a)(1), that the country has failed—

(i) to cooperate with the government-to-government activities initiated by the United States under subsection (a)(2); or

(ii) based on the criteria described in subsection (a)(1), to adequately strengthen the export control systems of the country.

(2) LICENSING CONTROLS WITH RESPECT TO DESTINATIONS OF DIVERSION CONCERN.—

(A) REPORT ON SUSPECT ITEMS.—

(i) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Director of National Intelligence, the Secretary of State, and the Secretary of the Treasury, shall submit to the appropriate congressional committees a report containing a list of items that, if the items were transshipped, reexported, or diverted to Iran, could contribute to—

(I) Iran obtaining nuclear, biological, or chemical weapons, defense technologies, components for improvised explosive devices, or other defense items; or

(II) support by Iran for acts of international terrorism.

(ii) CONSIDERATIONS FOR LIST.—In developing the list required under clause (i), the Secretary of Commerce shall consider—

(I) the items subject to licensing requirements under section 742.8 of title 15, Code of Federal Regulations (or any corresponding similar regulation or ruling) and other existing licensing requirements; and

(II) the items added to the list of items for which a license is required for exportation to North Korea by the final rule of the Bureau of Export Administration of the Department of Commerce issued on June 19, 2000 (65 Fed. Reg. 38148; relating to export restrictions on North Korea).

(B) LICENSING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall require a license to export an item on the list required under subparagraph (A)(i) to a country designated as a Destination of Diversion Concern.

(3) WAIVER.—The President may waive the imposition of the licensing requirement under paragraph (2)(B) with respect to a country designated as a Destination of Diversion Concern if the President—

(A) determines that such a waiver is in the national interest of the United States; and

(B) submits to the appropriate congressional committees a report describing the reasons for the determination.

(c) TERMINATION OF DESIGNATION.—The designation of a country as a Destination of Possible Diversion Concern or a Destination of Diversion Concern shall terminate on the date on which the Secretary of Commerce determines, based on the criteria described in subparagraphs (A) through (D) of subsection (a)(1), and certifies to Congress and the President that the country has adequately strengthened the export control systems of the country to prevent transshipment, reexportation, and diversion of items through the country to end-users whose identities cannot be verified or to entities owned or controlled by the Government of Iran.

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

SEC. 1274. REPORT ON EXPANDING DIVERSION CONCERN SYSTEM TO COUNTRIES OTHER THAN IRAN.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Commerce, the Secretary of State, and the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that—

(1) identifies any country that the Director determines may be transshipping, reexporting, or diverting items subject to the provisions of the Export Administration Regulations to another country if such other country—

(A) is seeking to obtain nuclear, biological, or chemical weapons, defense technologies, components for improvised explosive devices, or other defense items; or

(B) provides support for acts of international terrorism; and

(2) assesses the feasability and advisability of expanding the system established under section 1273 for designating countries as Destinations of Possible Diversion Concern and Destinations of Diversion Concern to include countries identified under paragraph (1).

PART IV—EFFECTIVE DATE; SUNSET

SEC. 1281. EFFECTIVE DATE; SUNSET.

(a) EFFECTIVE DATE.—Except as provided in sections 1254, 1262, and 1273(b)(2)(A), the provisions of, and amendments made by, this subtitle shall take effect on the date that is 120 days after the date of the enactment of this Act.

(b) SUNSET.—The provisions of this subtitle shall terminate on the date that is 30 days after the date on which the President certifies to Congress that—

(1) the Government of Iran has ceased providing support for acts of international terrorism and no longer satisfies the requirements for designation as a state sponsor of terrorism under—

(A) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or any successor thereto);

(B) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(C) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)); and

(2) Iran has ceased the pursuit, acquisition, and development of nuclear, biological, and chemical weapons and ballistic missiles and ballistic missile launch technology.

SA 5486. Mr. BROWN (for himself 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 303, between lines 3 and 4, insert the following:

SEC. 1056. GAO REVIEW OF ROLE OF IMPORTS IN DEFENSE INDUSTRIAL BASE.

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall conduct a thorough review of the application of provisions of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) and the Defense Production Act (50 U.S.C. App. 2077 et seq.).

(b) CONSIDERATIONS.—In conducting the review required under subsection (a), the Comptroller General shall examine—

(1) the safety of products and reliability of supply chains that service defense infrastructure;

(2) the legal limitations, if any, on procurement by the Department of Defense of products manufactured in countries that have exported multiple unsafe products to the United States;

(3) systems in place to determine the origin of products the Department procures and the reliability of manufacturing supply chains;

(4) information provided by suppliers to the Department about the origin of the products they use in their systems and subsystems;

(5) information the Department currently requires of suppliers about the origin of products, materials, and components;

(6) manufacturing production capacity in the United States in the case of a surge in production requests by the Department;

(7) measures in place to determine country-of-origin of products that have been substandard or not met criteria;

(8) the capacity of the United States industrial base to manufacture for the national defense in the next 10 years; and

(9) such other issues as the Comptroller General determines relevant.

(c) REPORT.—Not later than 150 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Armed Services of the Senate and the Committees on Financial Services and the Committee on Armed Services of the House of Representatives a report on the review conducted under subsection (a).

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting any law or regulation otherwise pertaining to the protection of classified information or proprietary information sought or obtained by the Comptroller General.

SA 5487. Mr. CASEY (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 appropriate place, insert the following:

SEC. ____. COUNTERTERRORISM STATUS REPORTS.

(a) SHORT TITLE.—This section may be cited as the ''Success in Countering Al Qaeda Reporting Requirements Act of 2008''.

(b) FINDINGS.—Congress makes the following findings:

(1) Al Qaeda and its related affiliates attacked the United States on September 11, 2001 in New York, New York, Arlington, Virginia, and Shanksville, Pennsylvania, murdering almost 3000 innocent civilians.

(2) Osama bin Laden and his deputy Ayman al-Zawahiri remain at large.

(3) In testimony to the Select Committee on Intelligence of the Senate on February 5, 2008, Director of National Intelligence J. Michael McConnell stated, ''Al-Qa'ida has been able to retain a safehaven in Pakistan's Federally Administered Tribal Areas (FATA) that provides the organization many of the advantages it once derived from its base across the border in Afghanistan''.

(4) The July 2007 National Intelligence Estimate states, ''Al Qaeda is and will remain the most serious terrorist threat to the Homeland''.

(5) In testimony to the Permanent Select Committee on Intelligence of the House of Representatives on February 7, 2008, Director of National Intelligence Michael McConnell stated, ''Al-Qa'ida and its terrorist affiliates continue to pose significant threats to the United States at home and abroad, and al-Qa'ida's central leadership based in the border area of Pakistan is its most dangerous component.''.

(6) The ''National Strategy for Combating Terrorism'', issued in September 2006, affirmed that long-term efforts are needed to win the battle of ideas against the root causes of the violent extremist ideology that sustains Al Qaeda and its affiliates. The United States has obligated resources to support democratic reforms and human development to undercut support for violent extremism, including in the Federally Administered Tribal Areas in Pakistan and the Sahel region of Africa. However, 2 reports released by the Government Accountability Office in 2008 (''Combating Terrorism: The United States Lacks Comprehensive Plan to Destroy the Terrorist Threat and Close the Safe Haven in Pakistan's Federally Administered Tribal Areas'' (GAO-08-622, April 17, 2008) and ''Combating Terrorism: Actions Needed to Enhance Implementation of Trans-Sahara Counterterrorism Partnership'' (GAO-08-860, July 31, 2008)) found that ''no comprehensive plan for meeting U.S. national security goals in the FATA have been developed,'' and ''no comprehensive integrated strategy has been developed to guide the [Sahel] program's implementation''.

(7) Such efforts to combat violent extremism and radicalism must be undertaken using all elements of national power, including military tools, intelligence assets, law enforcement resources, diplomacy, paramilitary activities, financial measures, development assistance, strategic communications, and public diplomacy.

(8) In the report entitled ''Suggested Areas for Oversight for the 110th Congress'' (GAO-08-235R, November 17, 2006), the Government Accountability Office urged greater congressional oversight in assessing the effectiveness and coordination of United States international programs focused on combating and preventing the growth of terrorism and its underlying causes.

(9) Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(a)) requires that the Secretary of State submit annual reports to Congress that detail key developments on terrorism on a country-by-country basis. These Country Reports on Terrorism provide information on acts of terrorism in countries, major developments in bilateral and multilateral counterterrorism cooperation, and the extent of state support for terrorist groups responsible for the death, kidnaping, or injury of Americans, but do not assess the scope and efficacy of United States counterterrorism efforts against Al Qaeda and its related affiliates.

(10) The Executive Branch submits regular reports to Congress that detail the status of United States combat operations in Iraq and Afghanistan, including a breakdown of budgetary allocations, key milestones achieved, and measures of political, economic, and military progress.

(11) The Department of Defense compiles a report of the monthly and cumulative incremental obligations incurred to support the Global War on Terrorism in a monthly Supplemental and Cost of War Execution Report.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) 7 years after the attacks on September 11, 2001, Al Qaeda and its related affiliates remain the most serious national security threat to the United States, with alarming signs that Al Qaeda and its related affiliates recently reconstituted their strength and ability to generate new attacks throughout the world, including against the United States;

(2) there remains insufficient information on current counterterrorism efforts undertaken by the Federal Government and the level of success achieved by specific initiatives;

(3) Congress and the American people can benefit from more specific data and metrics that can provide the basis for objective external assessments of the progress being made in the overall war being waged against violent extremism;

(4) the absence of a comparable timely assessment of the ongoing status and progress of United States counterterrorism efforts against Al Qaeda and its related affiliates in the overall Global War on Terrorism hampers the ability of Congress and the American people to independently determine whether the United States is making significant progress in this defining struggle of our time; and

(5) the Executive Branch should submit a comprehensive report to Congress, updated on an annual basis, which provides a more strategic perspective regarding—

(A) the United States' highest global counterterrorism priorities;

(B) the United States' efforts to combat and defeat Al Qaeda and its related affiliates;

(C) the United States' efforts to undercut long-term support for the violent extremism that sustains Al Qaeda and its related affiliates;

(D) the progress made by the United States as a result of such efforts;

(E) the efficacy and efficiency of the United States resource allocations; and

(F) whether the existing activities and operations of the United States are actually diminishing the national security threat posed by Al Qaeda and its related affiliates.

(d) ANNUAL COUNTERTERRORISM STATUS REPORTS.—

(1) IN GENERAL.—Not later than July 31, 2009, and every July 31 thereafter, the President shall submit a report, to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, which contains, for the most recent 12-month period, a review of the counterterrorism strategy of the United States Government, including—

(A) a detailed assessment of the scope, status, and progress of United States counterterrorism efforts in fighting Al Qaeda and its related affiliates and undermining long-term support for violent extremism;

(B) a judgment on the geographical region in which Al Qaeda and its related affiliates pose the greatest threat to the national security of the United States;

(C) an evaluation of the extent to which the counterterrorism efforts of the United States correspond to the plans developed by the National Counterterrorism Center and the goals established in overarching public statements of strategy issued by the executive branch;

(D) a description of the efforts of the United States Government to combat Al Qaeda and its related affiliates and undermine violent extremist ideology, which shall include—

(i) a specific list of the President's highest global counterterrorism priorities;

(ii) the degree of success achieved by the United States, and remaining areas for progress, in meeting the priorities described in clause (i); and

(iii) efforts in those countries in which the President determines that—

(I) Al Qaeda and its related affiliates have a presence; or

(II) acts of international terrorism have been perpetrated by Al Qaeda and its related affiliates;

(E) the specific status and achievements of United States counterterrorism efforts, through military, financial, political, intelligence, and paramilitary elements, relating to—

(i) bilateral security and training programs;

(ii) law enforcement and border security;

(iii) the disruption of terrorist networks; and

(iv) the denial of terrorist safe havens and sanctuaries;

(F) a description of United States Government activities to counter terrorist recruitment and radicalization, including—

(i) strategic communications;

(ii) public diplomacy;

(iii) support for economic development and political reform; and

(iv) other efforts aimed at influencing public opinion;

(G) United States Government initiatives to eliminate direct and indirect international financial support for the activities of terrorist groups;

(H) a cross-cutting analysis of the budgets of all Federal Government agencies as they relate to counterterrorism funding to battle Al Qaeda and its related affiliates abroad, including—

(i) the source of such funds; and

(ii) the allocation and use of such funds;

(I) an analysis of the extent to which specific Federal appropriations—

(i) have produced tangible, calculable results in efforts to combat and defeat Al Qaeda, its related affiliates, and its violent ideology; or

(ii) contribute to investments that have expected payoffs in the medium- to long-term;

(J) statistical assessments, including those developed by the National Counterterrorism Center, on the number of individuals belonging to Al Qaeda and its related affiliates that have been killed, injured, or taken into custody as a result of United States counterterrorism efforts; and

(K) a concise summary of the methods used by National Counterterrorism Center and other elements of the United States Government to assess and evaluate progress in its overall counterterrorism efforts, including the use of specific measures, metrics, and indices.

(2) INTERAGENCY COOPERATION.—In preparing a report under this subsection, the President shall include relevant information maintained by—

(A) the National Counterterrorism Center and the National Counterproliferation Center;

(B) Department of Justice, including the Federal Bureau of Investigation;

(C) the Department of State;

(D) the Department of Defense;

(E) the Department of Homeland Security;

(F) the Department of the Treasury;

(G) the Office of the Director of National Intelligence,

(H) the Central Intelligence Agency;

(I) the Office of Management and Budget;

(J) the United States Agency for International Development; and

(K) any other Federal department that maintains relevant information.

(3) REPORT CLASSIFICATION.—Each report required under this subsection shall be—

(A) submitted in an unclassified form, to the maximum extent practicable; and

(B) accompanied by a classified appendix, as appropriate.

SA 5488. 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. BIENNIAL REPORT ON MILITARY POWER OF IRAN.

(a) BIENNIAL REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than December 31, 2009, and every two years thereafter through 2019, 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 Iranian 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.

(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 Iranian grand strategy, security strategy, and military strategy.

(2) The size, location, and capabilities of all land, sea, air, and irregular forces of Iran, and any other force controlled by the Iran Government or receiving funds or training from the Iran Government.

(3) Developments in and the capabilities of the ballistic missile and any nuclear, 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 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.

(B) The programs of Iran relating to weapons of mass destruction.

(C) Support provided to terrorist groups, insurgent groups, irregular proxy forces, and other non-state actors, and related activities.

(D) Assistance to other countries.

(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 5489. Mr. LIEBERMAN (for himself, Mr. GRAHAM, and Mr. LUGAR) 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 360, after line 20, add the following:

SEC. 1233. REPORT ON THE SECURITY SITUATION IN THE CAUCASUS.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the chairs and ranking minority members of the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives a report in classified and unclassified form on the defense requirements of the Republic of Georgia.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) a description of the security situation in the Caucasus following the recent conflict between the Russian Federation and the Republic of Georgia, including a description of any Russian forces that continue to occupy internationally recognized Georgian territory;

(2) an assessment of the damage sustained by the armed forces of Georgia in the recent conflict with the Russian Federation;

(3) an analysis of the defense requirements of the Republic of Georgia following the conflict with the Russian Federation, with a particular focus on the needs of the republic of Georgia for enhanced air defenses and anti-armor capabilities; and

(4) detailed recommendations on how the Republic of Georgia, with United States assistance, may improve its capability for self-defense and more effectively control its territorial waters and air space.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress—

(A) reaffirms its previous expressions of support for continued enlargement of the North Atlantic Treaty Organization (NATO) to include qualified candidates; and

(B) supports the commitment to further enlargement of NATO to include democratic governments that are able and willing to meet the responsibilities of membership;

(2) the expansion of NATO contributes to the continued effectiveness and relevance of the organization;

(3) Georgia and Ukraine have made important progress in the areas of defense and democratic and human rights reform;

(4) a stronger, deeper relationship among the Government of Georgia, the Government of Ukraine, and NATO will be mutually beneficial to those countries and to NATO member states;

(5) the United States should take the lead and encourage other member states of NATO to support the awarding of a Membership Action Plan to Georgia and Ukraine as soon as possible;

(6) the United States Government should provide assistance to help rebuild infrastructure in Georgia and continue to develop its security partnership with the Government of the Republic of Georgia by providing security assistance to the armed forces of Georgia, as appropriate;

(7) the United States should work with fellow NATO member states to develop contingency plans and infrastructure to address the security concerns of newly joined members;

(8) the United States should expand efforts to promote the development of democratic institutions, the rule of law, and political parties in the independent states of the former Soviet Union; and

(9) the United States should work with its allies to ensure secure, reliable energy transit routes in Central Asia, the Caucasus, and Eastern Europe.

SA 5490. 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 A of title IX, add the following:

SEC. 907. REVIEW AND REPORT ON ORGANIZATIONAL STRUCTURE AND MISSIONS OF THE DEPARTMENT OF DEFENSE FOR CYBER OPERATIONS.

(a) REVIEW OF ORGANIZATIONAL STRUCTURE AND MISSIONS.—The Secretary of Defense shall carry out a thorough review and assessment of the organizational structure and missions of the Department of Defense and the military departments for cyber operations.

(b) SCOPE OF REVIEW.—The review required by subsection (a) shall address the following:

(1) The chains of command for operations in cyberspace to collect intelligence, defend Department of Defense information networks and systems, and attack information networks and systems, including whether such chains of command or can be integrated effectively to ensure unity of effort and timely responses.

(2) The joint requirements for capabilities for offensive, defensive, and intelligence collection operations in cyberspace.

(3) The manner in which the military departments and Defense Agencies and commands have responded to fulfill joint requirements and gaps between requirements and capabilities, and the degree to which

plans and programs in the current future-years defense program will close such gaps.

(4) The roles and missions of the organizations within the Department of Defense and the military departments with major cyberspace responsibilities, including the roles and missions that would be assigned to an Air Force Cyber Command.

(5) The role of the Department of Defense in defending the United States and its critical infrastructure from attacks in cyberspace, including a comparison and contrast between that role and the role of the Department in defending the United States from physical attack through the air, in space, and from the ground and sea.

(6) In the event of a large-scale mobilization and movement of the Armed Forces, and the conduct of major military operations overseas, the dependence of the Department of Defense on, and its vulnerability to disruptions of, critical infrastructure from hostile cyberspace attacks, and the authorities and capabilities of Department and civil officials to take action to protect military mobilization and force projection overseas.

(7) The chain of command from the President for operations to defend the networks and information systems of the United States Government as a whole, the executive departments and independent agencies of the Government, and the critical infrastructure of the United States from large-scale attacks in cyberspace.

(c) REPORT.—

(1) IN GENERAL.—Not later than October 1, 2009, the Secretary shall submit to the congressional defense committees a report setting forth the following:

(A) A comprehensive description of the results of the review required by subsection (a), including a description of the results of each element of the review specified in subsection (b).

(B) Such recommendations for legislative or administrative action as a result of the review as the Secretary considers appropriate.

(2) FORM.—The report required by this subsection shall be in unclassified form, but may include a classified annex.

SA 5491. Mr. WARNER (for himself and Mr. DURBIN) 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 NATIONAL SECURITY IMPACT OF RISING GLOBAL FOOD PRICES AND WORLDWIDE SHORTAGES OF FOOD AND WATER.

(a) FINDINGS.—Congress makes the following findings:

(1) Rising fuel prices, increased demand for food, and distribution challenges in developing countries have contributed to rising food prices, which are adversely affecting the security and welfare of millions of people worldwide.

(2) In 2008, rising food prices sparked violent protests in Haiti and Egypt, and have posed challenges to stability and governance throughout the sub-Saharan region.

(3) The lack of access to safe water and sanitation affects more than 2,000,000,000 people worldwide, posing a significant global security, environmental, and public health concern. Climate change may exacerbate these challenges.

(4) The World Health Report 2002 notes that effects of climate change on human health will undoubtedly have a greater impact on societies or individuals with scarce resources, where technologies are lacking, and where infrastructure and institutions such as the health sector are least able to adapt.

(5) The United States National Security Strategy dated March, 2006 states that the United States faces new security challenges, including ''environmental destruction, whether caused by human behavior or cataclysmic mega-disasters such as floods, hurricanes, earthquakes, or tsunamis. Problems of this scope may overwhelm the capacity of local authorities to respond, and may even overtax national militaries, requiring a larger international response. These challenges are not traditional national security concerns, such as the conflict of arms or ideologies. But if left unaddressed they can threaten national security.''.

(b) REPORT ON THE NATIONAL SECURITY IMPACT OF RISING GLOBAL FOOD PRICES AND WORLDWIDE SHORTAGES OF FOOD AND WATER.—

(1) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of enactment of this Act, the President shall submit to Congress a report on the national security impact of rising global food prices and worldwide shortages of food and water.

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a description of the economic, geographic, ecological, social, and political factors contributing to the rise in price and shortage of worldwide food supplies;

(B) a description of the impact of changing climate patterns on global stability with respect to arable land and water resources;

(C) an assessment of the implications, if any, that might exist for United States national security and future missions for the Armed Forces given the potential social and political consequences of shortages in the global supply of food and water;

(D) an assessment of the potential implications for future demand for international humanitarian operations and other international assistance activities given the potential social and political consequences of shortages in the global supply of food and water; and

(E) an assessment of the national security implications for the United States of succeeding or failing to succeed, with other leading and emerging major contributors of greenhouse gas emissions, in efforts to reduce emissions.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in an unclassified form, but may include a classified annex.

SA 5492. 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 V, add the following:

SEC. 556. SENSE OF SENATE ON MARINE CORPS PROFESSIONAL MILITARY EDUCATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Marine Corps University of the United States Marine Corps was established in 1989 by the 29th Commandant of the Marine Corps, General Alfred Gray USMC (ret.), with the mission to develop, deliver, and evaluate professional military education and training through resident and distance education programs to prepare leaders to meet the challenges of national security \and to preserve, promote, and display the history and heritage of the Marine Corps.

(2) The United States Marine Corps Professional Military Education System educates members of the United States Marine Corps, the United States Army, the United States Air Force, the United States Navy, and the United States Coast Guard, civilian employees of the Department of State, the Department of Justice, the Central Intelligence Agency, and the Department of Defense civilians, and military officers of foreign countries.

(3) The national security of the United States depends upon Marines who are educated in a military education system that produces creative, adaptable, and critical who thinkers able to meet the challenges of warfare in the 21st century.

(4) The Commandant of the United States Marine Corps' Planning Guidance directed the President of the Marine Corps University to assess the health of the professional military education programs of the Marine Corps for both officers and enlisted members and make recommendations for the reorganization, resourcing, and adjustment of the number of students enrolled in such programs.

(5) In 2006, the Marine Corps University conducted a study under the leadership of General Charles Wilhelm USMC (ret.), to assess the health of the United States Marine Corps Officer Professional Military Education Program. This study concluded that the Officer Professional Military Education System was generally sound. However, without investment in facilities and information technology infrastructure, the system will be increasingly unable to meet the needs of Marine Corps officers, the Marine Corps generally, and the Nation.

(6) The Marine Corps has developed a comprehensive plan that will address the inadequate information technology infrastructure and the inadequate facilities with a realistic military construction effort that will include the construction of the new Academic Support Instructional Facility for professional military education programs for both officers and enlisted members.

(b) SENSE OF SENATE.—It is the sense of the Senate that the United States Marine Corps is to be congratulated for—

(1) remarkable achievement in providing creative, adaptive, and critical thinkers able to meet the challenges of warfare in the 21st center and the defense of the United States;

(2) conducting an in-depth, institutionally honest assessment of the United States Marine Corps Professional Military Education System; and

(3) pursuing the noble goal of creating a worldwide, world-class professional military education institution.

SA 5493. Mr. WARNER (for himself and Mr. WEBB) 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. REQUIREMENTS PERTAINING TO CONSTRUCTION OF WALTER REED NATIONAL MEDICAL CENTER, BETHESDA, MARYLAND.

(a) FINDINGS.—The Senate makes the following findings:

(1) Military personnel and their families, as well as veterans and retired military personnel living in the National Capital region, deserve to be treated in world class medical facilities.

(2) World class medical facilities are defined as incorporating the best practices of the premier private health facilities in the country as well as the collaborative input of military health care professionals into a design that supports the unique needs of military personnel and their families.

(3) The closure of the Walter Reed Army Medical Center in Washington, D.C., and the resulting construction of the National Military Medical Center at the National Naval Medical Center, Bethesda, Maryland, and a new military hospital at Fort Belvoir, Virginia, offers the Department of Defense the opportunity to transition from antiquated existing facilities into world class medical centers providing the highest quality of joint service care for military personnel.

(4) Congress has supported a Department of Defense request to expedite the construction of the new facilities at Bethesda and Fort Belvoir in order to provide care in better facilities as quickly as possible.

(5) The Department of Defense has a responsibility to ensure that the expedited design and construction of such facilities do not result in degradation of the quality standards required for world class facilities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Secretary of Defense should immediately establish a panel consisting of medical facility design experts, military healthcare professionals, representatives of premier health care facilities in the United States, and patient representatives—

(A) to review conceptual design plans for the National Military Medical Center; and

(B) to advise the Secretary whether the design, in the view of the panel, will result in the goal of providing a world-class medical facility; and

(2) if the panel determines that the conceptual design plan will not meet such goal, the panel should, as soon as possible but in no case later than 15 days after the date of the enactment of this Act, make recommendations for changes to those plans to ensure the construction of a world-class medical facility.

(c) MILESTONE SCHEDULE.—

(1) PREPARATION.—The Secretary of Defense shall prepare a complete milestone schedule for the closure of Walter Reed Army Medical Hospital, the design and construction of replacement facilities at the National Naval Medical Center and Fort Belvoir, and the relocation of operations to the replacement facilities. The schedule shall include a detailed plan regarding how the Department of Defense will carry out the transition of operations between Walter Reed Army Medical Hospital and the replacement facilities.

(2) SUBMISSION.—The Secretary of Defense shall submit the milestone schedule and transition plan prepared under paragraph (1) to the congressional defense committees as soon as possible, but in no case later than 90 days after the date of the enactment of this Act.

SA 5494. Mr. CARDIN 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. TASK FORCE ON DIVERSITY IN THE ARMED FORCES.

(a) ESTABLISHMENT OF TASK FORCE.—

(1) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a task force to examine matters related to diversity in the Armed Forces.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The task force shall consist of not more than 24 members appointed by the Secretary of Defense from among individuals described in paragraph (2) who have demonstrated expertise in managing diversity.

(2) ELIGIBLE INDIVIDUALS.—The members of the task force shall include the following:

(A) The Director of the Defense Manpower Management Center.

(B) One senior representative of the Office of the Deputy Secretary of Defense for Plans.

(C) One senior military member of each of the Army, the Navy, the Air Force, and the Marine Corps who serves or has served in a leadership position with either a military department command or a combatant command.

(D) One retired general or flag officer from each of the Army, the Navy, the Air Force, and the Marine Corps.

(E) One senior noncommissioned officer from each of the Army, the Navy, the Air Force, and the Marine Corps.

(F) Five retired senior officers who served in leadership positions with either a military department command or combatant command, of which no less than three shall represent views of gender or ethnic specific groups.

(G) Four individuals from outside the Department of Defense with expertise in cultivating diversity in organizations.

(H) An attorney with appropriate experience and expertise in constitutional and legal matters relating to the duties and recommendations of the task force.

(3) CO-CHAIRS.—The Secretary of Defense shall designate two of the members of the task force under subparagraphs (F) and (G) of paragraph (2) as co-chairs of the task force.

(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the task force. Any vacancy in the task force shall be filled in the same manner as the original appointment.

(5) DEADLINE FOR APPOINTMENT.—All members of the task force shall be appointed not later than 60 days after the date of the enactment of this Act.

(6) QUORUM.—12 members of the task force shall constitute a quorum but a lesser number may hold hearings.

(c) MEETINGS.—

(1) INITIAL MEETING.—The task force shall conduct its first meeting not later than 30 days after the date on which a majority of the appointed members of the task force have been appointed.

(2) MEETINGS.—The task force shall meet at the call of the co-chairs.

(d) DUTIES.—

(1) STUDY.—The task force shall study the diversity within all grades of the Armed Forces. The study shall include a comprehensive evaluation and assessment of policies that provide opportunities for the advancement of all gender and ethnic specific groups within the Armed Forces.

(2) SCOPE OF STUDY.—In carrying out the study, the task force shall examine the following:

(A) Development of a uniform, Department of Defense-wide definition of diversity that is congruent with the Department's core values and vision for the future workforce.

(B) The success of the current plans of the Department (including the plans of the military departments) at achieving diversity.

(C) Existing metrics and milestones for evaluating the diversity plans of the Department (including the plans of the military departments) and for facilitating future evaluation and oversight.

(D) The effect of expanding Department of Defense secondary educational programs, including service academy preparatory schools, to diverse civilian populations.

(E) Traditional military career paths for gender and ethnic specific members of the Armed Forces, and possible alternative career paths that could enhance professional development.

(F) The success of current recruitment and retention practices in attracting and maintaining a sufficient number of diverse, qualified individuals in officer pre-commissioning programs.

(G) The success of current activities in increasing continuation rates for ethnic and gender specific members of the Armed Forces.

(H) Pre-command billet assignments of gender and ethnic-specific members of the Armed Forces.

(I) Command selection for gender and ethnic-specific members of the Armed Forces.

(J) The existence and maintenance of fair promotion, assignment, and command opportunities for ethnic and gender specific members of the Armed Forces at the warrant officer, chief warrant officer, company grade/junior grade officer, field grade/mid-grade officer, and general/flag officer levels.

(K) The current institutional structure of the Office of Diversity Management and Equal Opportunity of the Department, and of similar offices of the military departments, and their ability to ensure effective and accountable diversity management across the Department.

(L) The benefits of conducting an annual conference attended by civilian military, active duty and retired military, and corporate leaders on diversity, to include a review of current policy and the annual demographic data from the Defense Equal Opportunity Management Institute.

(M) Private sector practices that have successfully cultivated diversity and diverse leadership.

(N) The status of prior recommendations made to the Department and the military departments, and to Congress, concerning diversity initiatives within the Armed Forces.

(O) Options for improving the substance or implementation of current plans and policies of the Department, and of the military departments, described in subparagraphs (B) through (L).

(3) ARMED FORCES DEFINED.—In this subsection, the term ''Armed Forces'' means the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard (whether or not it is operating as a service in the Navy).

(4) CONSULTATION.—In carrying out the study under this subsection, the task force may consult with appropriate private, for profit, and non-profit organizations and advocacy groups, and with appropriate Federal commissions (including the Commission of the National Guard and Reserves), to learn methods for developing, implementing, and sustaining senior diverse leadership within the Department of Defense.

(e) POWERS OF THE TASK FORCE.—

(1) HEARINGS.—The task force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the task force considers appropriate.

(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request by the co-chairs of the task force, any department or agency of the Federal Government may provide information that the task force considers necessary to carry out its duties.

(f) TASK FORCE PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the task force who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the task force. All members of the task force who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the task force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the task force.

(3) STAFF.—

(A) IN GENERAL.—The co-chairs of the task force may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the task force to perform its duties. The employment of an executive director shall be subject to confirmation by the task force.

(B) COMPENSATION.—The co-chairs of the task force may fix the compensation of the executive director and other personnel of the task force without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of position and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(g) REPORTS.—

(1) INITIAL REPORT.—Not later than three months after the first meeting of the task force, the task force shall submit the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(A) A strategic plan for the work of the task force.

(B) A discussion of the activities of the task force as of the date of the report.

(C) Any initial findings of the task force as of the date of the report.

(2) FINAL REPORT.—Not later than twelve months after the first meeting of the task force, the task force shall submit to the Secretary of Defense, and to the committees of Congress referred to in paragraph (1), a report on the study required by subsection (d). The report shall include the following:

(A) The findings and conclusions of the task force as a result of the study.

(B) Such recommendations as the task force considers necessary in order to increase recruitment, retention, promotion, and accession of gender and ethnic specific groups in order to achieve and maintain diversity at all levels of the Armed Forces.

(C) Such other information and recommendations the task force considers appropriate.

(3) INTERIM REPORTS.—The task force may submit to the Secretary of Defense, and to the committees of Congress referred to in paragraph (1), such additional interim reports as the task force considers appropriate.

(h) TERMINATION OF TASK FORCE.—The task force shall terminate 60 days after the date on which the task force submits the report under subsection (g)(2).

(i) FUNDING.—Amounts for the task force in carrying out its duties under this section shall be derived from amounts authorized to be appropriated by this division.

SA 5495. 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:

At the end of subtitle B of title VII, add the following:

SEC. 714. ENHANCEMENT OF TRANSITIONAL DENTAL CARE FOR MEMBERS OF THE RESERVE COMPONENTS ON ACTIVE DUTY FOR MORE THAN 30 DAYS IN SUPPORT OF A CONTINGENCY OPERATION.

Section 1145(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A), by inserting ''except as provided in paragraph (3),'' before ''medical and dental care'';

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3) In the case of a member described in paragraph (2)(B), the dental care to which the member is entitled under this subsection shall be the dental care to which a member of the uniformed services on active duty for more than 30 days is entitled under section 1074 of this title.''; and

(4) in subparagraph (A) of paragraph (6), as redesignated by paragraph (2) of this section, by striking ''paragraph (4)'' and inserting ''paragraph (5)''.

SA 5496. Mr. NELSON of Nebraska (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:

At the end of subtitle A of title VII, insert the following:

SEC. 702. EXPANSION OF ELIGIBILITY OF SURVIVORS UNDER THE TRICARE DENTAL PROGRAM.

Section 1076a(k)(3) of title 10, United States Code, is amended by inserting before the period at the end the following:

'', except that, in the case of a dependent described by subparagraph (D) or (I) of section 1072(2) of this title, the period of continuing eligibility shall be the longer of the following periods beginning on such date:

''(A) Three years.

''(B) The period ending on the date on which the dependent attains 21 years of age.

''(C) In the case of a dependent who, at 21 years of age, is enrolled in a full-time course of study at an institution of higher learning approved by the administering Secretary and is, or was, at the time of the member's death, in fact dependent on the member for over one-half of the dependent's support, the period ending on the earlier of the following dates:

''(i) The date on which the dependent ceases to pursue such a course of study, as determined by the administering Secretary.

''(ii) The date on which the dependent attains 23 years of age''.

SA 5497. Mr. NELSON of Nebraska (for himself, Mr. GRAHAM, Mr. VOINOVICH, and Mr. CORKER) 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. NONCOMPETITIVE APPOINTMENT OF SPOUSES OF MILITARY PERSONNEL.

(a) DEFINITIONS.—In this section:

(1) ACTIVE DUTY.—The term ''active duty'' means full-time duty in the armed forces. In the case of a member of a reserve component of the armed forces, including a member of the National Guard performing full-time National Guard duty, the term does not include training duties or attendance at schools.

(2) PERMANENT CHANGE OF STATION.—The term ''permanent change of station'' has the meaning given that term in Appendix A, Volume 1 of the Department of Defense Joint Federal Travel Regulations.

(3) TOTALLY DISABLED RETIRED OR SEPARATED MEMBER OF THE ARMED FORCES.—The term ''totally disabled retired or separated member of the armed forces'' means an individual who—

(A) is retired from the armed forces under chapter 61 of title 10, United States Code, with a disability rating at the time of retirement of 100 percent disabled or;

(B) has a disability rating of 100 percent from the Department of Veterans Affairs.

(b) APPOINTMENT AUTHORITY.—(1) Under such regulations as the Director of the Office of Personnel Management shall prescribe, the head of an agency may make a noncompetitive appointment to a position in the competitive service to which the appointee is qualified of—

(A) the spouse of a member of the armed forces who, as determined by the Secretary of Defense, is performing active duty under orders that authorize a permanent change of station;

(B) the spouse of a totally disabled retired or separated member of the armed forces; or

(C) the unremarried widow or widower of a member of the armed forces who died on active duty.

(2) An appointment under paragraph (1)—

(A) of an individual described in paragraph (1)(A) may only be made—

(i) not more than 2 years after the station is permanently changed under the orders; and

(ii) to a duty station in the same geographical area as the changed permanent station;

(B) of an individual described in paragraph (1)(B) may only be made not more than 2 years after—

(i) the retirement of the member of the armed forces described in subsection (a)(3)(A);

(ii) the member of the armed forces described in subsection (a)(3)(B) received a disability rating described in that subsection; and

(C) of an individual described in paragraph (1)(C) may only be made not more than 2 years after the death of the member of the armed forces.

(3)(A) During any time period described in paragraph (2)(A)(i), (B), or (C), an individual may receive no more than 1 permanent appointment under paragraph (1).

(B) Any individual who received an appointment under paragraph (1) during the period described in paragraph (2)(B) may not receive an appointment during the period described in paragraph (2)(C).

(4) Before the head of an agency may make an appointment under paragraph (1), the head of the agency shall, at least to an extent that satisfies the requirements of applicable law and regulation, provide advance notice of the vacancy to employees of the agency and to others.

(c) STATUS OF PREFERENCE ELIGIBLES.—Nothing in this section shall be construed to deprive an individual who is a preference eligible of a preference in hiring over an individual who is not a preference eligible.

(d) REPORT TO CONGRESS.—(1) Not later than 4 years after the date of enactment of this Act, the Director of the Office of Personnel Management shall, in consultation with and with the assistance of the Secretary of Defense, prepare a report on activities carried out under this section and shall submit it to—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate; and

(B) the Committee on Government Oversight and Reform and the Committee on Armed Services of the House of Representatives.

(2) The report shall include—

(A) findings and conclusions regarding—

(i) the extent to which the exercise of the authority under this section has served the public interest;

(ii) the extent to which the exercise of the authority under this section has had consequences that are counter to the public interest; and

(iii) opinions of spouses of members of the armed services and of employees and managers of agencies where appointments under subsection (b)(1) were made with respect to the authority under this section and its exercise;

(B) any available and appropriate quantitative, as well as qualitative, measures to support the findings and conclusions in subparagraph (A); and

(C) recommendations as to whether the authority under this section should be reauthorized, and, if so, recommendations whether the authority should be made permanent and codified within title 5 of the United States Code and recommendations for any amendments to this section.

(e) TERMINATION OF AUTHORITY.—The authority to make an appointment under this section shall terminate 5 years after the date of enactment of this Act.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Monday, September 15, 2008, at 11 a.m. to receive testimony on Voter Registration for Wounded Warriors: S. 3308, the ''Veterans Voter Support Act.''

Individuals and organizations that wish to submit a statement for the hearing record are requested to contact the Chief Clerk, Lynden Armstrong, at 202–224–7078.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee, 202–224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a business meeting on Thursday, September 11, 2008, at 12 noon, in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 11, 2008, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday September 11, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LAUTENBERG. I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, September 11, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, September 11, 2008, at 10 a.m. in room SD–562 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate to conduct a hearing entitled ''Business Start-up Hurdles in Underserved Communities: Access to Venture Capital and Entrepreneurship Training,'' on Thursday, September 11, 2008, beginning at 10 a.m., in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS AND THE HOUSE VETERANS' AFFAIRS COMMITTEE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet jointly with the House Veterans' Affairs Committee during the session of the Senate on Thursday, September 11, 2008, in room 345 of the Cannon House Office Building, beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Governmental Affairs be authorized to meet on Thursday, September 11, 2008, at 9 a.m. to conduct a hearing entitled ''Dividend Tax Abuse: How Offshore Entities Dodge Taxes on U.S. Stock Dividends.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, September 11, 2008, from 10 a.m.–12:30 p.m. in Russell 325.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. NELSON of Nebraska. Mr. President, I ask also unanimous consent that MAJ Marc Packler, my military fellow, be given the privilege of the floor during the Senate debate on the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. Mr. President, I ask unanimous consent that Chad Jungbluth and Andrew Pate, military fellows serving in my office, be granted floor privileges for the duration of the consideration of the fiscal year 2009 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I ask unanimous consent that Katie Graham of my Finance Committee staff have privileges of the floor for the duration of the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE INDEFINITELY POSTPONED—S.J. RES. 42

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that

Calendar No. 942, S.J. Res. 42, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRORIST ATTACKS OF SEPTEMBER 11, 2001

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 656, submitted earlier today by Senators REID and MCCONNELL.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 656) expressing the sense of the Senate regarding the terrorist attacks committed against the United States of America on September 11, 2001.

There being no objection, the Senate proceeded to consider the resolution.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 656) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 656

Whereas at 8:46 AM on the morning of September 11, 2001, hijacked American Airlines Flight 11 was flown into the upper portion of the North Tower of the World Trade Center in New York City, New York;

Whereas 17 minutes later, at 9:03 AM, hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center;

Whereas the Fire Department of New York (FDNY), the New York Police Department (NYPD), the Port Authority Police Department (PAPD), the Office of Emergency Management (OEM) of the Mayor of New York, and countless eyewitnesses and public health officials responded immediately and valiantly to these horrific events;

Whereas at 9:37 AM, the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, whose impact caused immediate and catastrophic damage to the headquarters of the Department of Defense;

Whereas Pentagon officials, county fire, police, and sheriff departments, the Metropolitan Washington Airports Authority, the Ronald Reagan Washington National Airport Fire Department, the Fort Myer Fire Department, the Virginia State Police, the Virginia Department of Emergency Management, the Federal Bureau of Investigation, the Federal Emergency Management Agency, a National Medical Response Team, the Bureau of Alcohol, Tobacco, and Firearms, and numerous military personnel all responded promptly and courageously to this attack on the United States military establishment;

Whereas the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others;

Whereas nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001;

Whereas the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history;

Whereas the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history;

Whereas the New York Police Department suffered 23 fatalities as a result of the terrorist attacks, the second largest loss of life of any police force in United States history, exceeded only by the number of Port Authority Police Department officers lost that same day;

Whereas seven years later, the people of the United States of America and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

Whereas seven years later, thousands of men and women in the United States Armed Forces remain in harm's way defending our Nation against those who seek to threaten the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes September 11, 2008, as a day of solemn commemoration of the events of September 11, 2001;

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks;

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of these attacks and, in doing so, bravely risked and often gave their own lives;

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend our Nation's security; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked our Nation.

ORDERS FOR FRIDAY, SEPTEMBER 12, 2008

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Friday, September 12; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 3001, the Defense authorization bill. I further ask that the previous prohibition on motions to proceed be in effect during Friday's session of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NELSON of Florida. Mr. President, as previously announced, there will be no rollcall votes tomorrow or Monday. However, the managers of the bill will be on the floor to debate any further amendments to the Defense authorization bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NELSON of Florida. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7 p.m., adjourned until Friday, September 12, 2008, at 9:30 a.m.

EXTENSIONS OF REMARKS

THE DAILY 45: 118 YOUNG MALES LOST TO GUN VIOLENCE IN D.C.

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, every day, 45 people, on average, are fatally shot in the United States. In August, D.C. police were investigating the circumstances surrounding the murder of victims number 117 and 118, just two of the latest to die this year due to gun-related violence.

These murders occurred just north of Union Station in the vacant, dilapidated Temple Courts high-rise and townhouses. This is an area to be razed in the coming months, and although a new structure will rise—erasing the tragic events that lead to their deaths; these two young men, and dozens of others like them, had names and families and hopes and dreams of their own.

Victim no. 117, JohnQuan Wright, was only 18 years old. And 1 month later—victim 118's name has yet to be released. While their deaths were acknowledged in passing via the press, there remains little to no outcry that more than a hundred victims, most of them young men in the prime of their lives, have been lost to violence—most of it with a gun—this year in Washington, DC.

Americans of conscious must come together to stop the senseless death of "The Daily 45." When will we say "enough is enough, stop the killing!"

HONORING THE LIFE AND ACCOMPLISHMENTS OF LES WHITT

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. ALEXANDER. Madam Speaker, I rise today to honor the life and accomplishments of the late Robert Leslie "Les" Whitt. He will be remembered as a man with a deep love for people, music, and the Alexandria Zoo.

Mr. Whitt, of Alexandria, LA, died recently from heart complications after living 14 years with a transplanted heart. Whitt was a strong advocate for organ donation and loved speaking for the Louisiana Organ Procurement Agency whenever possible.

Moreover, Mr. Whitt was passionate about his service to the citizens and administration of the city of Alexandria. He served as the director of the Alexandria Zoo for 34 years, and received the Dunbar Award for Civil Service in 1993. Mr. Whitt was also recognized for his progressive and inventive zoo exhibit designs. At the age of 16, he joined the American Zoo and Aquarium Association as a professional fellow member and has subsequently served the organization in many capacities including Accreditation Inspection Team Leader. Mr. Whitt served selflessly on numerous committees representing the Alexandria Zoo in worldwide conservation efforts for endangered species.

In addition, Mr. Whitt's talent as a musician, particularly a Hammond B–3 player, was celebrated. He played with many local and regional musicians, as well as with greats like B.B. King and B.B. Major. He was altruistically involved with the youth and was a mentor to young zoo professionals, teen volunteers, Boy Scouts, and musicians.

Thousands of families will never overcome this loss of a true son of Alexandria. Madam Speaker, I ask my colleagues to join me in honoring Mr. Les Whitt for his exceptional contributions to central Louisiana and unparalleled influence on those of us who were blessed to know him.

A TRIBUTE TO COLONEL MICHAEL SHUPP, UNITED STATES MARINE CORPS

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. SESSIONS. Madam Speaker, today, I pay tribute to Col. Michael Shupp, United States Marine Corps. His service to our country and the Corps has demonstrated true patriotism and exceptional military leadership. On September 17, I will have the personal honor of presiding over Colonel Shupp's retirement ceremony, and I want to take this moment to recognize his 28 years of dedicated service.

Colonel Shupp was born and raised in Bethlehem, Pennsylvania, and is a graduate of the Virginia Military Institute and Marine Corps Officer Candidate School. Since the beginning of his career, he has been a true professional in every sense of the word. His assignments have ranged from serving as a young platoon commander in Japan, to instructing our future leaders at the Naval Academy, where his performance was recognized by President George W. Bush. He served combat tours in Iraq and a peacekeeping tour in Bosnia-Herzegovina. Wherever he was, he always set the highest standards of professionalism and leadership for all those around him. His superb leadership has been evident in numerous command and staff assignments throughout the Department of Defense, including a tour as the Marine Corps' Liaison to the House of Representatives and his current duty as the Legislative Assistant to the Chairman of the Joint Chiefs of Staff in Washington DC.

Colonel Shupp served this Nation twice in combat. In 1990, Captain Shupp deployed Company "A" of the 1st Light Armored Infantry Battalion to the Kingdom of Saudi Arabia for Operations Desert Shield and Desert Storm. Once the ground war commenced, his company led the advance of the First Marine Division. His unit cut through Iraqi resistance and led the first Coalition Forces into Kuwait City. Company "A," under Captain Shupp's leadership, then participated in the capture of the Kuwait International Airport. In 2004, Colonel Shupp returned to the Persian Gulf and assumed command of Regimental Combat Team-1 (RCT–1) at Camp Fallujah, Iraq. He commanded the Regiment during counter-insurgency operations, the second Battle of Fallujah, humanitarian assistance and reconstruction efforts, and the first free Iraqi National election. After leaving Iraq, the Marine Corps and Department of Defense chose to capitalize on his experience. He was selected to serve as the Chief of Staff for the Joint Improvised Explosive Device Defeat Organization in Washington, DC.

For 28 years, Colonel Shupp has served this great country from locations all over the world. Whether he was training new recruits, commanding marines in combat or working with Congress, he served with both honor and distinction. He will indeed be remembered as an exceptional marine, a true patriot, a courageous warrior and a dedicated leader with the highest integrity and compassion for all who had the distinct honor of serving with him.

His loving wife, Sherrye, and daughter, Jessica, have demonstrated unwavering support throughout his time in service, and this Nation owes a debt of gratitude to their sacrifice.

CONGRATULATIONS TO SISTER MARGARET ANN COUGHLIN ON HER GOLDEN JUBILEE AS A SISTER OF MERCY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. HIGGINS. Madam Speaker, I rise today to congratulate Sister Margaret Ann Coughlin, RSM, on the joyous occasion of her 50th anniversary of religious life. I am especially pleased and proud to acknowledge her Golden Jubilee as a Sister of Mercy because Sister Margaret Ann remains such an integral part of my family, celebrating with us in good times and offering herself as a steadfast tower of strength and comfort in our most challenging times. There are many families that claim Sister Margaret Ann as their own as her selfless outreach to those in need is well known and deeply appreciated.

It was also my good fortune to accompany Sister Margaret Ann to the White House ceremony honoring Pope Benedict's XVI first visit to the United States. While Sister refers to the Papal Visit as the highlight of her religious life, it was I who was honored to have shared this experience with this woman dedicated to the very principles Pope Benedict spoke of on that historic April day. Calling for a more compassionate, free and just society, Sister Margaret

Ann's work personifies those principles as she lives a faith-filled life.

Born to William S. and Margaret McDonough Coughlin on March 13, 1940, Frances Lillian Coughlin was the youngest child of this loving and legendary South Buffalo family. She joined her only brother, William ("Yappo") and her sisters, Mary Joan, Patricia, Marjorie and Rita at the family home on Stevenson Street. She was just a teenager when her parents died within 12 months of each other and she went to live with Mary Joan, her brother-in-law, Jerry Flanagan, and their young family on Downing Street. Such would be the life story of the Coughlin's and so many other members of the "Greatest Generation"—the family would always be there in some way to take care of and take in those who needed help and a home.

These lessons clearly left an imprint on young Frances' heart as her vocation led her to join the Sisters of Mercy on September 15, 1958, the same year she graduated from Mt. Mercy Academy. Continuing education remains a cornerstone of Sister's hard work and growth as a member of this religious community. She earned degrees from Trocaire and Medaille Colleges in the 1960s and received her master's in pastoral studies from Loyola University in 1990. She earned continuing education credits from Notre Dame University and became a board certified chaplain in 2001 from the NACC (National Association of Catholic Chaplains).

In her earlier years, Sister taught at several Catholic schools in Buffalo and served as the music minister at Our Lady of the Sacred Heart School in Orchard Park. She was the pastoral care minister at Mercy Hospital prior to her current work as a pastoral caregiver to the children and families of Our Lady of Victory Basilica Baker Home for Children. Sister Margaret Ann has also been recognized by her high school alma mater with the justly deserved "Spirit of Mercy Award."

Not an easy life, Sister has suffered great loss and battled life threatening illnesses which may have weakened her physical health yet has certainly strengthened her sense of empathy and her ability to listen, counsel, comfort and console. A teacher and a preacher, Sister lives her life as an example of God's mercy and love in word and action. The love, laughter and gifts of Sister's life have certainly influenced the lives of so many others who belong to her extended network of family and friends, especially her beloved nieces and nephews and their children, who lovingly call her "Aunt Sister."

Sister Margaret Ann's Golden Jubilee will be celebrated with family and friends on Sunday, September 14, 2008, at the Monsignor Nash Council Knights of Columbus in South Buffalo. Madam Speaker, I respectfully ask that the House of Representatives join with me and those whose lives have been lifted in hope and faith because of the life work of Sister Margaret Ann Coughlin in congratulating her on this significant anniversary. We extend our best wishes for her continued health and happiness and our deepest thanks to this woman of faith for her outstanding service to others.

125TH ANNIVERSARY OF THE FOUNDING OF THE DANBURY NEWS-TIMES

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. MURPHY of Connecticut. Madam Speaker, I would like to congratulate the News-Times of Danbury, Connecticut, on the 125th anniversary of the founding of their paper. With circulation extending to some 30,000 residents in western Connecticut, the News-Times helps us stay in touch with the people and places that make up our community.

The paper connects the citizens of greater Danbury and serves as a forum for public conversation, providing readers with an opportunity to discuss local, state, and national issues of concern. As they say, a well-informed citizenry is essential to any democracy, and the News-Times provides an invaluable link between residents and the leaders, decisions, and issues that shape their lives every day.

A hallmark of a quality local newspaper is the attention it pays to local issues that affect the lives of its readers. So I would like to take this opportunity to thank the News-Times for its excellent coverage of Candlewood Lake. I have been intimately involved in the recent negotiations with the Federal Energy Regulatory Commission and the owner of the lake, First Light, to ensure that the environmental and property protection concerns of local residents are heard when it comes to decisions about how the lake is managed. The News-Times has covered every step of this process, and it's clear the paper takes this issue as seriously as I do.

With September 7, 2008, marking the 125th anniversary of the Danbury News-Times, I would like to extend my congratulations on the continuing success of your publication. It's my hope that today marks the beginning of another 125 years of peerless local reporting.

HONORING THE ACCOMPLISHMENTS OF MR. VINCENT A. LAINO, JR.

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. GERLACH. Madam Speaker, I rise today to congratulate and honor Mr. Vincent A. Laino, Jr. of Exton, Pennsylvania, for earning accolades as Chief Financial Officer of the Year from the Philadelphia Business Journal and Drexel University's LeBow College of Business. Mr. Laino is the current senior vice president, CFO, and CIO of Weston Solutions.

Weston Solutions is an employee-owned environmental services firm based in West Chester, Pennsylvania. Joining the company in September 1988, Mr. Laino began as a manager of financial systems after receiving both a bachelor of science in business administration, accounting, and computer systems management and a master of business administration and financial management from Drexel University. By 1994, Mr. Laino was introducing innovative ideas and business models to Weston Solutions, which earned him the title of vice president and simultaneously the company's chief information officer.

Through his years at Weston Solutions, Mr. Laino has brought change to Weston's business strategy with his mastery of business development and administration. The culmination of his efforts proved a success when, in 2001, he assumed the title of CFO for his continuous strategic leadership and vision. Before working at Weston Solutions, Mr. Laino was a project manager, auditor and systems analyst at E.I. Dupont de Nemours in Wilmington, Delaware, for 7 years.

On July 17, 2008, an elegant awards ceremony was held in his honor at the Sheraton City Center in Philadelphia, Pennsylvania, for earning this award in the category of Extra Large Business of 2008. In addition to his dedication to Weston Solutions, Mr. Laino is active in the community serving on the board of directors at Delaware County Community College Education Foundation and treasurer of the Society for American Military Engineers.

Madam Speaker, I ask my colleagues to join me in honoring Mr. Vincent A. Laino, Jr., for this well-deserved honor. As a leader and role model in both the community and business world, may he continue to serve both Weston and the community with honor and distinction.

HEDRICK MEDICAL CENTER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Hedrick Medical Center for 120 years of caring for the citizens of Chillicothe and of the Greater Livingston County community.

Hedrick Medical Center has faithfully served this community since opening in 1888 and continues this service through an affiliation with Saint Luke's Health System. They will celebrate this constant service with a celebration on Friday, September 12, 2008.

Madam Speaker, I proudly ask you to join me in recognizing Hedrick Medical Center and its 120 years of service. It is truly an honor to serve this fine organization in the United States Congress.

RECOGNIZING ADAM SHERMAN RECIPIENT OF THE NATIONAL HISTORY DAY KEN COSKEY NAVAL HISTORY SPECIAL PRIZE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Adam Sherman of Scottsdale, Arizona, for his honored participation in this year's National History Day program. Adam, a student at Desert Mountain High School in Scottsdale, received the Ken Coskey Naval History Special Prize for the best naval history project in the Nation. In addition, Adam was chosen as one of only 12

students from over 2,300 to present his exhibit at the White House Visitor Center in June of this year.

The National History Day program is a contest that engages teachers and students from across the Nation to explore unconventional methods in learning about history. Its focus is to move beyond the traditional textbook and expand into resources such as libraries, museums, and archives. This year's theme was ''Conflict and Compromise in History.''

Adam's project—''Prelude to Pearl Harbor: The Panay Conflict and President Roosevelt's Compromise''—examined the scope of a little-known Japanese attack on an American gunboat years prior to Pearl Harbor and our nation's entry into World War II. In December of 1937, Japanese warplanes attacked the USS *Panay* as it evacuated American refugees ahead of the Japanese takeover of Nanking, China. The attack wounded several civilians and sailors on board, including Mr. Fon Huffman, USN Retired. Adam included a taped interview with Mr. Huffman, the only living survivor of the attack. Huffman tells of the chaotic attack and moments of heroism when, in the midst of the chaos, he gave his life preserver to a civilian who could not swim and helped others to safety.

Adam has shown his passion for history by participating in the program for the past three years, over the course of which his work has been awarded a number of honors including 1st place at the Arizona State Finals for Best Individual Exhibit in 2006. A true student of history, Adam has donated his 2008 exhibit to the Naval Historical Foundation.

Madam Speaker, please join me in recognizing Adam Sherman's accomplishments.

IN HONOR OF MILANA BIZIC

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. ALTMIRE. Madam Speaker, I rise today to pay tribute to Milana Bizic. Ms. Bizic is a western Pennsylvania resident who was recently honored as the Serb National Federation Person of the Year.

Ms. Bizic is known throughout the Serbian community as a person committed to preserving and celebrating Serbian culture. The granddaughter of Serbian immigrants, she is a lifelong member of the Serb National Federation, a contributing writer for the federation's magazine, Srbobran, and the author of a website dedicated to Serbian heritage. She has contributed time, talent, and financial resources to the Serb National Federation and the Serbian community. Ms. Bizic has said that her parents taught her to be American first, last, and always, but to remember her Serbian heritage.

Ms. Bizic's award was presented by the Pittsburgh-based Serb National Federation, which was founded more than 100 years ago to help Serbian immigrants, and now provides Serbian Americans with the opportunity to share and celebrate their background.

I am truly honored to have this opportunity to formally recognize Milana Bizic for her accomplishments and thank her for the role she plays in helping Serbians in western Pennsylvania and around the country remember and celebrate their heritage.

BYBERRY FRIENDS MEETING HOUSE—200TH ANNIVERSARY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Ms. SCHWARTZ. Madam Speaker, I rise today to honor the 200th anniversary of the Byberry Friends Meeting House, located at 3001 Byberry Road in the far northeast section of Philadelphia.

In 1675, four adventurous Quaker brothers—Nathanial, Thomas, Daniel, and William Walton—arrived in New Castle, Delaware, from England, in search of a new home and religious freedom. They walked nearly 50 miles along the banks of the Delaware River into Pennsylvania, arriving at Poquessing Creek. They were captivated by the region, which reminded them of their former home in Bibury, England, and so they established their home here. They had success farming and were able to establish good relationships with the Native American tribes who helped them survive their initial difficult years.

This community subsequently grew with the influx of more Quakers in the 1680s. The first Quaker meetings were held in the homes of members. As the community grew, members were able to build a log meetinghouse in which to worship. In 1808, 133 years after the Walton brothers settled here, the community built the larger meetinghouse that is still in use today. Members of the Byberry Friends Meeting were influential in the movement to abolish slavery.

Today, the Byberry Friends Meeting continues to hold weekly worship meetings. The school building, used for many years to educate the children of the Meeting, is used by a community day care academy.

Madam Speaker, I ask my colleagues to join me in recognizing the historic Byberry Friends Meeting House on this momentous milestone and honoring the contributions that the members of this community have made to the people of my district and Philadelphia.

REMEMBERING 9/11

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. TOWNS. Madam Speaker, as the years pass the memories will not fade, today stands as a day of mourning for those victims of the terrorist attacks of those infamous events, as well as, our nation as a whole. We must never forget as the rest of the world so eloquently put it: ''We are all Americans.'' For all the destruction that those planes brought, they could not bring down what makes our country great, the American Spirit. In the face of adversity, we did not focus on what separates us, but came together behind the uniting principle that we are first and foremost Americans. Taking care of those who were hurt and defending the country we love against future attacks is our charge, one that we bear with the greatest of honor, appreciation, and respect.

HONORING SERGEANT BRYAN J. TUTTEN

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. MICA. Madam Speaker, I rise today, September 11, 2008, to once again honor and pay tribute to Sergeant Bryan J. Tutten, 33, who, like many other brave Americans, joined the military following the terrorist attacks on our homeland 7 years ago. Sergeant Tutten died in service to our country on Christmas Day, December 25, 2007, fighting insurgents on his second tour of duty in Iraq.

On Saturday, September 13, 2008, the Veterans of Foreign Wars Post 2391 in St. Augustine, Florida, will hold a special ceremony to honor the life and service of Sergeant Tutten. The Post will be renamed the Veterans of Foreign Wars Bryan Tutten Memorial Post 2391.

On Tuesday, January 15, 2007, I included in the CONGRESSIONAL RECORD the following remarks and today I want to again honor Sergeant Tutten's life by reflecting on his service to the United States.

Prior to joining the Army, Sgt. Tutten, born in St. Augustine, Florida, graduated from St. Augustine High School and attended St. Johns River Community College. He was also a member of Holy Trinity Greek Orthodox Church in St. Augustine.

We should all remember Sgt. Tutten's courage and his ultimate sacrifice for our nation. The freedom and liberty we enjoy and peace in the world for others for which he fought are part of the great legacy that Sgt. Tutten leaves behind. He was laid to rest at San Lorenzo Cemetery in St. Augustine, Florida on January 4, 2008.

After the devastating events of September 11, 2001, Sgt. Tutten enrolled in the Army. His family remembers him as an avid sportsman who loved to fish and cook, and how he enjoyed the time he had playing with his daughter, Catherine. He was assigned to the 82nd Airborne Division based in Fort Bragg, North Carolina which was deployed to Iraq.

With the passing of Sgt. Tutten, America has lost an outstanding citizen and a shining example of service to our nation. He will be remembered as a patriotic American, a pillar of our community and a compassionate husband and a loving father.

To his wife Constandina, his daughter Catherine, his son Gareth, his mother Ms. Sylvia Smallwood and his loving family and friends, we offer our deepest sympathy.

Madam Speaker, it is my privilege to recognize Sgt. Bryan J. Tutten's contributions and to ask all Members of the U.S. House of Representatives of the 110th Congress to join me in recognizing his service in our nation's Armed Forces and remembering a great American hero.

PERSONAL EXPLANATION ON TODAY'S JOURNAL VOTE

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. CONAWAY. Madam Speaker, I rise to explain my opposition to the Journal vote, roll-call vote 585, earlier today.

In my time in politics, I never thought that I would hear any candidate for political office compared to Jesus Christ. Yet yesterday, on the floor of this House, one of my colleagues did just that when he painted the work of BARACK OBAMA equal to the life of my Savior.

Madam Speaker, I know Jesus Christ; Jesus Christ is a personal friend of mine. Senator OBAMA is no Jesus Christ.

But it's not just Senator OBAMA; such a comparison is ill suited for any man, for all of us have fallen short of the standard that Christ set for us. Jesus' example was a life lived humbly and with love for all his fellow men, regardless of their background. As this campaign season sprints to the finish, I implore my colleagues and the candidates in both parties to strive for a higher, more purposeful campaign and rhetoric and to treat opponents in a manner that we ourselves would like to be treated.

HONORING MARGIE LEE

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. MICA. Madam Speaker, as William Wordsworth once wrote, ''the Child is Father to the Man.''

Like all of us, from time-to-time I fondly recall those who have made a significant impact upon my life. For where would we be if not for those who made the special effort to guide the next generation, and befriend us but demand much from us, so that we may learn to demand much from ourselves?

It is because of those who touch our lives and instill the values we all hold dear as a society, those who provide guidance to our young people every day, that make us successful and our nation stronger. Some are there to deal directly with us from day-to-day. Others help set up and run the institutions that provide the networks for others to have a profound impact upon our young.

In my life, Margie Lee was one such person. Known affectionately as ''Marge'' and across America as the ''Delta Chi Mom,'' Marge inspired several generations of Delta Chis while working in the Fraternity's International Headquarters since 1964. She was devoted to Delta Chi and to us all, helping to provide guidance to thousands of young men in those potentially very difficult years at college and first time away from home.

I had both the honor and the pleasure of working directly with Marge. It was while I worked as assistant to the executive director of the Delta Chi Fraternity in my first job after graduating from the University of Florida. I saw how Marge worked every day on behalf of my Delta Chi Brothers. Over the years, I witnessed first hand how she devoted her life to bestowing the advantages of a brotherhood of college and university men to use their education ''to promote friendship, develop character and advance justice.'' In doing so, Marge helped generations of young boys grow into successful, value-driven men.

Marge passed away yesterday morning in Iowa City at age 79. She is survived by four children and thousands of her adopted Delta Chi sons around the world.

When we are young we don't fully appreciate the time and sacrifice our elders take to shape us into successful adults. Sometimes our separate paths take us away from our mentors before we fully appreciate what they did for us. All too often they pass on before we get the chance to thank them properly.

Not many of us have the opportunity to recognize and publically say thanks. Today, to her family, to my colleagues in Congress and Delta Chi Brothers, I am honored and pleased to say—thank you Margie Lee.

HONORING STANLEY AND JOANNE TATE

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, today I wish to honor Stanley Tate and his lovely bride Joanne as they begin their 60th year of marriage.

Few people have had as major and as positive of an impact on our country and particularly on Florida education as Mr. Tate.

In 1987, the Florida Legislature created the Florida Prepaid College Program to provide Florida families an affordable way to save for their children's college education. Mr. Tate, as chairman of the board for 18 years, was instrumental in developing this landmark and innovative program and making it the success it is today.

Under Mr. Tate's leadership, more than 142,000 children used their plan benefits to attend a college or university. Today, the Prepaid College Trust Fund remains financially strong and actuarially sound.

In recognition of Mr. Tate's service, the program he put so much time and effort into shaping, was officially renamed the Stanley G. Tate Florida Prepaid College Program by law on June 26, 2006. Florida families are grateful for Mr. Tate's tireless leadership throughout his years of service.

He has always put the needs and interests of our families and students above any self-interest. I am honored to draw attention to such an admirable and decent public servant who has never sought personal accolades. On behalf of grateful Florida families across the State, I thank Mr. Tate for his dedication to our children's education and congratulate him and his wife on nearly 60 years of marriage. May they enjoy many more years together.

HONORING THE MEMORY OF WILLIAM BREVARD HAND

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. BONNER. Madam Speaker, the city of Mobile and the state of Alabama lost a dear friend last week, and I rise today to honor Senior U.S. District Judge William Brevard Hand and pay tribute to his memory.

Mobile's Press-Register remembered Judge Hand as ''a fair, thoughtful and tough jurist who did not shy away from high profile cases that might upset the powers-that-be.'' Certainly, one of the high profile cases for which history will most remember him was his courageous ruling in favor of classroom prayer.

A native and life-long resident of Mobile, Judge Hand attended Murphy High School and completed his undergraduate studies at the University of Alabama. His education was interrupted by the call to defend his country during World War II. He served in Europe as a combat infantry rifleman from the Battle of the Bulge through VE Day and also served with the occupation army in Czechoslovakia. When he returned to the United States following the war, he completed his education by earning his law degree from the University of Alabama.

After graduation, Judge Hand returned to Mobile and began his illustrious law career by working for the firm his father, Charles, helped found, now known as Hand Arendall. He continued with the firm until President Richard Nixon appointed him to the Federal bench in 1971, and incredibly, he was active in cases as recently as last month.

A lifelong member of Dauphin Way Methodist Church, Judge Hand served in all lay capacities of the church. He was named honorary member of the administrative board as well as lifetime steward of the church, the highest honor the church can bestow.

I had the privilege of visiting with Judge Hand just last month at the courthouse, and there is no other judge who has served with greater dignity and compassion.

Earlier this week, over 1,000 people filled Dauphin Way Methodist Church to honor the life of Judge Hand. Rev. Stephen F. Dill, pastor emeritus of the church said, ''His friendship reached across the boundaries of wealth and status.'' The Rev. Gorman Houston III, senior pastor at Dauphin Way, provided a poignant tribute, noting ''How grateful we are for the life of William Brevard Hand.''

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader, a friend to many throughout south Alabama, as well as a wonderful husband, father, and grandfather. Judge Brevard Hand will be dearly missed by his family—his daughters, Jane Hand Dukes, Virginia Hand Hollis and Allison Hand Peebles; his grandchildren, Brevard Dukes Hinton, Ann Chandler Dukes Shuleva, David Dewitt Dukes, Jr., Elizabeth Alan Hollis, Katherine Hollis Taylor, John Connor H. Peebles, and William Battle Peebles; his great-grandchildren, Tom, William and Jane Hinton; and his brother Dr. James Albert Hand—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all during this difficult time.

EARMARK DECLARATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. KINGSTON. Requesting Member: Congressman JACK KINGSTON (1–GA).

Bill Number: H.R. 6599.

Account: MILCON, Navy.

Legal Name of Requesting Entity: NSB Kings Bay, Kings Bay, GA, USA.

Description of Request: Provide $6.37 million to construct a 5,000 square feet Communication Addition to the Limited Area Reaction Force Facility in support of the National Weapons Security Program. This high security facility will serve as a command and control center, exercise and recreation spaces, and extended housing for United States Marines and Navy personnel while on duty. This project will provide required ballistic protection for security forces and vehicles as well as the monitoring of perimeter sensors.

TRIBUTE TO JOHN GRUNDEN

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. WESTMORELAND. Madam Speaker, I rise today to pay tribute to a great patriot from Georgia's Third Congressional District who died September 9 at the age of 66.

I have known John Grunden of Fayetteville for many years as a fellow foot soldier fighting for the Republican Party and conservative causes in our community, our State and our Nation.

As the owner of two small businesses, an insurance consulting firm and the Classic Cue pool hall in Fayetteville, Mr. Grunden had firsthand knowledge of how taxes and regulation affect our Nation's job creators. His strong stands on business and his conservative values made him a great leader for the Fayette County Republican Party when he won the chairmanship in the 1980s. Under his leadership, the county party experienced such success that the State Republican Party soon began citing it as a model for other counties.

Mr. Grunden was a behind-the-scenes operator who did the hard work that enable candidates such as me to succeed at the ballot box. I'm lucky to have had his support through the years, and I am not the only Member of Congress who called on him for help. Mr. Grunden was an early supporter of a young upstart congressman from Georgia who at the time was the only Republican in our State's delegation. As my colleagues here in the House know, that member, Newt Gingrich, went on to lead our party to the House majority for the first time in decades and ascended to the speaker's chair.

In addition to his volunteer activities on behalf of his party, Mr. Grunden also wore his nation's uniform. From 1961 to 1964, he served in the U.S. Army 101st Airborne Division.

I was honored to call John Grunden a friend. On behalf of the people of Georgia's Third Congressional District, I would like to express my condolences to his wife, Pat, who stood by his side for 45 years, and to the rest of the Grunden family.

THE BONE MARROW FAILURE DISEASE RESEARCH AND TREATMENT ACT

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Ms. MATSUI. Madam Speaker, I rise today to introduce the Bone Marrow Failure Disease Research and Treatment Act. For hundreds of thousands of bone marrow failure disease patients across our country, this is a day filled with the promise of a cure.

For their families, this is a day infused with the hope that the power of medical inquiry and research can conquer these deadly diseases.

For those of us in this chamber who knew, respected, and loved colleagues whose lives were taken by these diseases—including my late husband Bob—this is a day to reflect on their legacies and to renew our commitment to the research that will generate treatments and cures.

For medical researchers with ideas about new and innovative ways to combat these awful diseases, this is a day characterized by the certainty that the U.S. House of Representatives stands with them in their quest to beat bone marrow failure diseases.

The legislation I am introducing today is designed to ensure that families in the future will not have to suffer the agonizing uncertainty that my family endured when Bob was diagnosed with myelodysplastic syndrome, MDS.

Between 20,000 and 30,000 families receive a bone marrow failure disease diagnosis every year in the United States. Their lives are changed instantly when they learn that a loved one's bone marrow has malfunctioned.

Blood is such a delicate balance of different kinds of cells, and when the marrow that produces our blood stops working properly, the foundation of a human's physical health is sorely undermined. Death is often the end result.

The research produced by this bill will point the way toward a future where a diagnosis of aplastic anemia, MDS, acute myeloid leukemia, or any of the other bone marrow failure diseases is but a hurdle to overcome instead of a likely death sentence.

This is the future that I envision as a result of the Bone Marrow Failure Disease Research and Treatment Act.

I thank all of my colleagues in this chamber who have supported, and who will support, this critical legislation. I look forward to working toward its passage, for the sake of bone marrow failure disease patients in every city, town, and community in our great country.

INTRODUCTION OF THE PRESIDENTIAL HISTORICAL RECORDS PRESERVATION ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. GOODLATTE. Madam Speaker, I rise today to introduce the Presidential Historical Records Preservation Act of 2008. I introduce this as a companion bill to legislation being introduced today by my colleagues in the Senate, Senators JOHN WARNER and JIM WEBB.

Mr. Speaker, the National Historical Publications and Records Commission, NHPRC, is a statutory body affiliated with the National Archives and Records Administration, NARA. NHPRC was established by Congress in 1934 to promote the preservation and use of America's documentary heritage essential to understanding our democracy, history, and culture.

Currently, NHPRC is authorized to administer grants to promote preservation and use of America's documentary heritage. The NHPRC supports projects that preserve and make accessible records and archives, and research and develop means to preserve authentic electronic records.

The Presidential Historical Records Preservation Act of 2008 would allow NHPRC to make grants, on a competitive basis, to eligible entities to promote the historical preservation of, and public access to, historical records and documents relating to any President who does not have a Presidential archival depository currently managed and maintained by the Federal Government, pursuant to the Presidential Libraries Act of 1955.

Mr. Speaker, in order to be eligible to receive these grants, an entity must qualify as a 501(c)(3) of the Internal Revenue Code and be exempt from taxation under section 501(a) of that Code, or be a State or local government. In order to maintain the integrity of the grant program, NHPRC shall only approve grants to those entities that possess historical works and collections of historical sources that the Commission considers appropriate for preserving, publishing, or otherwise recording at the public expense. The entity must also have appropriate facilities and space for preservation of such historical works and ensure public access to these collections.

Finally, to maintain the fiscal integrity of this Act, the receiving entity must have raised funds from non-Federal sources in support of the grant efforts. In addition, grants may not be used for the maintenance, operating costs, or construction of any facility to house the historical records to any President who does not have a Presidential archival depository currently managed by the Federal Government. Mr. Speaker, as you can see, the focus of the bill is preservation and access to documents, not constructing new buildings or monuments.

This is important legislation that will preserve our Nation's documentary heritage, and I urge my colleagues to support it.

2007 NATIONAL MEDAL OF TECHNOLOGY AND INNOVATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. REICHERT. Madam Speaker, I rise today in recognition of David Cutler, an employee of the Microsoft Corporation and a recipient of the 2007 National Medal of Technology and Innovation. His accomplishments, and the accomplishments of the other winners, are reason to celebrate the technological innovation happening in the United States. It is also a reminder that our national well-being

depends on the technological advancements made by future American innovators in a global marketplace.

The National Medal of Technology and Innovation honors America's leading innovators of technology products, processes and concepts. Mr. Cutler and the other winners deserve our heartfelt congratulations and thanks for inspiring future American innovation.

The 8th District of Washington, the district I represent, includes the headquarters of Microsoft, a corporation at the forefront of technological innovation and the push for educating our young people in the intricacies of science, technology and mathematics. No doubt Mr. Cutler, a senior technical fellow at Microsoft and an enduring figure in the world of technology and innovation, also recognizes the importance of educating our young people to compete in a global marketplace. Nothing can replace a world-class math and science education; an invaluable key to our Nation's economic success and our Nation's national security.

Once again, congratulations to Mr. Cutler for his prestigious honor. His work and the work of others like him inspire brilliant young minds around our country to do great things in math, science and technology. It is the job of this body and Americans everywhere to ensure those young minds have all the tools necessary to achieve greatness.

SELECT COMMITTEE ON THE VOTING IRREGULARITIES OF AUGUST 2, 2007

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. DELAHUNT. Madam Speaker, Mr. PENCE and I submit for the RECORD the following statement on behalf of the Select Committee on the Voting Irregularities of August 2, 2007:

The Select Committee to Investigate the Voting Irregularities of August 2, 2007, was created by House Resolution 611 to investigate the circumstances surrounding the record vote on the motion to recommit on H.R. 3161. That resolution required that the Select Committee submit its final report not later than September 15, 2008. While the Select Committee will not be able to file its report by that date, we expect to file the report shortly thereafter.

WILLIAM D. DELAHUNT,
Chairman.
MIKE PENCE,
Ranking Republican Member.

HONORING THE LIFE OF GENE UPSHAW, EXECUTIVE DIRECTOR OF THE NATIONAL FOOTBALL LEAGUE PLAYERS ASSOCIATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. CONYERS. Madam Speaker, I rise to honor the memory and accomplishments of Gene Upshaw, a tremendous athlete and upstanding individual who had a successful career both on and off the football field. During his 16-year career as a National Football League player, he was an 11-time All-Pro offensive guard for the Oakland Raiders and was elected to the Pro Football Hall of Fame in 1987, his first year of eligibility. He played in 217 league games and appeared in six Pro Bowls. He was named Lineman of the Year in the AFC in 1973 and 1974. In 1977, he was voted top lineman in the NFL, and runner-up for that honor in 1980. Upshaw is the only player in NFL history to play with the same team in three Super Bowls in three different decades—in the 1960s, 1970s, and 1980s.

Not only did Upshaw have an outstanding career on the field, but he also had a distinguished career off the field serving 38 years with the NFL Players Association. Upshaw worked as a player representative and officer for 13 years. He served as alternate representative or player representative for the Raiders from 1970 to 1976 and was a member of the executive committee from 1976 through 1980 when he was elected president of the NFLPA, a post he held until 1983.

Upshaw served as Executive Director of the NFLPA from June 1983 up until his death on August 20, 2008. As the first African-American labor leader in a major sport, Upshaw was a forceful advocate on behalf of professional football players. During his tenure, Upshaw skillfully negotiated several collective bargaining agreements and extensions that have been credited with enhancing the rights and compensation of NFL players.

Upshaw's career was best summed up by his close friend Art Shell, who played next to him on Oakland's offensive line and in 1989 became the first African-American coach of the modern era when he took over the Raiders. "Gene was a true pioneer as one of the few African-American leaders of a major union. He was the equal of owners in negotiations and made the league a better place for all players. Playing alongside of Gene was an honor and a privilege. He was a pillar of strength and leadership for our great Raider teams."

I extend my heartfelt condolences and prayers to his wife, Terri, his three sons, Justin, Daniel, and Eugene, Jr., and the entire National Football League community.

THE 9/11 HEALTH AND COMPENSATION ACT

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. NADLER. Madam Speaker, on September 11, 2001, America and the world watched in horror as our Nation came under ruthless attack. At the World Trade Center and at the Pentagon, thousands were killed by the cowardly deeds of terrorists. We heard the stories of those heroic passengers aboard United Airlines Flight 93 who gave their lives so that they might save the lives of others by thwarting an attack on the United States Capitol.

In lower Manhattan, part of my congressional district, New York's finest and bravest rushed to the disaster site. In the days and weeks after, countless Americans would also come to New York to offer their assistance. Nearly 3,000 people were killed at the World Trade Center, and countless others were wounded.

Since then, we have made tremendous progress in rebuilding. But we still have work left to do. One of our greatest national responsibilities right now is to aid those people who are still suffering from 9/11—our first responders and rescue workers, local area workers, residents, students, and others who have become sick from the environmental aftermath of 9/11.

When the buildings of the World Trade Center came crumbling down, nearly half a million pounds of lead, asbestos, glass fibers, steel, and concrete formed a massive cloud of toxic dust and smoke that blanketed parts of New York City and New Jersey. Fires burned for months, emitting a whole host of deadly substances. Scientists have said that this dust was as caustic as Drain-o, and that the air quality was worse than during the Kuwaiti oil fires.

From the beginning, we warned that the air wasn't safe and that our courageous first responders were not being afforded the proper protection from dangerous toxins as they were toiling on the pile to rebuild. We spent years working to try to convince public officials that the asbestos, fiberglass and other toxins had travelled far and settled into the interiors of residences, workplaces and schools, and that a proper testing and cleanup program was required to eliminate the health risks to area residents, workers and students. We demanded that the Federal Government acknowledge the fact, supported by a mountain of peer-reviewed research, that thousands of our Nation's citizens are today sick from 9/11 and that many more could become sick in the future. We explained to whoever would listen that our 9/11 heroes were struggling to pay health care costs because they could no longer work and no longer had health insurance, and we have argued vigorously that the Federal response to date has been dangerously limited, piecemeal and unstable.

Thankfully, we have achieved a much more widespread recognition of many of these problems. Now, 7 years after the attacks, it is imperative that Congress do what is right for our heroes and our living victims by passing H.R. 6594, the 9/11 Health and Compensation Act.

Though the devastating 9/11 attacks on the World Trade Center occurred within the bounds of my congressional district, we know that these were really attacks on our Nation as a whole—figuratively and literally. Every member in New York's downstate delegation represents hundreds, if not thousands, of people who live, work, attend school, or were otherwise present in the affected areas, and were exposed to a toxic brew of contamination. Indeed, every member in this House represents a State that has people in the World Trade Center Health Registry who were exposed and are concerned about their health.

And as this is unquestionably a national problem, it has always required a national response. But despite our sustained efforts to get the Administration to develop a comprehensive plan to deal with this growing public health problem that they themselves now finally acknowledge, the New York delegation has instead found itself, year after year, coming to Congress with its "hat in hand" to test its luck at the annual appropriations process. Thankfully, with the outstanding bipartisan

support of my colleagues for that funding, we have had some key successes. But this is simply no longer a tenable course of action.

Passage of the 9/11 Health and Compensation Act would mark an end to this unpredictable approach and ensure that a consistent source of funding is available to monitor, and if necessary, treat, the thousands of first responders, community members, and others already affected by WTC-related illnesses as well as those who are most likely to become sick in the future. And it would make sure that no matter where an affected individual were to live in the future, he or she could get care. Building on the expertise of the existing Centers of Excellence, the bill would fill key gaps in how we are currently providing treatment and monitoring. And finally, this legislation would provide an opportunity for compensation for economic damages and losses by reopening the 9/11 Victim Compensation Fund.

On this anniversary of one of the most devastating days in our national consciousness, I thank members of Congress and the American people for coming to our aid after September 11th and in the years that followed. And once again, I implore you to pass the 9/11 Health and Compensation Act.

INTRODUCTION OF NATIONAL PREPAREDNESS MONTH RESOLUTION

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Ms. CLARKE. Madam Speaker, today I introduce the National Preparedness Month Resolution, which recognizes that the month of September is designated as National Preparedness Month. This measure applauds the public servants at Department of Homeland Security for their outstanding contributions to our Nation's homeland security and encourages citizens around the world to continue to prepare themselves and their families for acts of terrorism, natural disasters and other emergencies.

It has been 7 years since the horrific terrorist attacks against the United States and its people on September 11, 2001. Our Nation continues to heal from the terrible losses that we suffered and our Government remains vigilant against those who attacked us.

Yet, while our Nation is fortunate that law enforcement agents and emergency response providers have successfully worked hard to prevent any further attacks, we are still vulnerable. We know that precious lives and critical infrastructure continue to be targeted across the world as evidenced by various suicide bombings in recent years. Terrorism remains prevalent and we must always be prepared both at home and abroad.

I am pleased to have so many members serving as cosponsors to this bill. As we all know, preparedness is not a partisan matter—terrorists do not select their victims by political party. Therefore, we must all support the message that families be prepared for emergencies should they occur.

If a disaster—whether large or small—occurs in a community, local responders and disaster-relief organizations will be there to help, but citizens need to be ready as well. That is why the Department of Homeland Security has designated the month of September each year as National Preparedness Month. The Department and its key stakeholders will spend the month promoting the importance of being prepared and, most importantly, how to be prepared in our communities across the country. As we all know, when individual citizens, families and communities are prepared, the fear, anxiety, and loss that accompany disasters is substantially minimized.

It is imperative that citizens know what to do in the event of an emergency and be ready either to shelter in place or to evacuate their homes. People must be ready to care for their basic needs for a minimum of 72 hours should they be displaced for a period of time.

And as our Nation continues to glean lessons from catastrophic events such as the September 11th terrorist attacks and Hurricane Katrina, the Federal Government must ensure that preparedness efforts help our Nation's most vulnerable populations. Recent wildfires, floods, hurricanes and tornadoes have given us the opportunity to observe whether those lessons have since been corrected.

In closing, let me say that I applaud the hard work and dedication of the public servants within the Department of Homeland Security in their effort to protect our Nation. Further, I encourage our citizens to make sure their families are vigilant, alert, and prepared for emergencies, and recommend visiting the Web site www.ready.gov, which might greatly assist them in this process. I urge my colleagues to support this important resolution.

CONGRATULATING THE MICHIGAN COMMISSION FOR THE BLIND, FLINT OFFICE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in congratulating the Michigan Commission for the Blind, Flint Office for celebrating 30 years of service to the blind and visually impaired. The office will gather to commemorate this anniversary at a party on October 30th in my hometown of Flint, Michigan.

The Michigan Commission for the Blind was created by Public Act 260 of 1978. The Commission operates its central office in Lansing, 8 field offices and a training center in Kalamazoo. As one of the field offices, the Flint Office provides service to clients throughout the Flint and Thumb areas of Michigan.

In carrying out their mission, the Michigan Commission for the Blind provides in-home services, mini-adjustment seminars, business services for employers, a vocational rehabilitation program, independent living for seniors over the age of 55, deafblind services, youth services and the business enterprise program. Their motto is "Changing Lives, Changing Attitudes" and their goals are for the blind and visually impaired to lead productive, independent lives as well as educating the general population about the capabilities of the blind.

The Flint Office plays an integral part in providing service and education to the community. For the past 30 years the 7 person staff has been committed to promoting the welfare and ability of the visually impaired so they can live and function in our society and in the workplace.

Madam Speaker, I am glad to have the opportunity to congratulate the employees, volunteers and clients of the Michigan Commission for the Blind, Flint Office as they celebrate 30 years of assistance to the blind and visually impaired of mid-Michigan. May they continue their service for many, many years to come.

RECOGNIZING MR. NORMAN L. MEBANE, JR.

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. BUTTERFIELD. Madam Speaker, Mr. Norman L. Mebane Jr., was born in Merry Hill, North Carolina. He graduated from high school in Bertie County before earning an associate's degree from Pitt Community College. After 2 years of honorable service in the U.S. Army, Mr. Mebane returned home and worked at the Newport News Shipbuilding and Dry Dock Company.

He attended Thomas Nelson Community College, and then earned a bachelor of science degree from St. Augustine's College where he was also inducted into Alpha Kappa Mu Honor Society and received special recognition as a Presidential Scholar.

Mr. Mebane then worked as a crop and livestock farmer before moving on to the trucking business. He founded N.L. Mebane Trucking Company, Inc. and later founded Mebane Rural Initiative Institute, Inc. and Mebane Investment Properties LLC. His entrepreneurial successes were recognized by North Carolina Department of Transportation with the Minority Business Enterprise Award of the Year.

Mr. Mebane currently serves on the RBC Centura Bank Region II Advisory Board and the Economic Development Council, and he previously served as part of the Historical Hope Foundation, Transportation Development Council, North Carolina Governor's Conference on Small Business and the North Carolina Department of Transportation's Minority Business Expansion Council. Mr. Mebane also serves as a board trustee for Elizabeth City State University and Martin County Community College.

It is certainly fitting that Elizabeth City State University would honor Mr. Mebane because he fully understands the importance of community involvement and he truly dedicates himself to serving others. He is an outstanding member of our community who deserves our highest thanks and praise.

I ask my colleagues to join me in honoring this great North Carolinian and American, Mr. Norman L. Mebane, Jr.

MOVING FORWARD FROM 9/11

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. KUCINICH. Madam Speaker, America must move from the errant, retributive justice

of 9/11 to a healing, restorative process of truth and reconciliation.

Before the Congress adjourns, I will bring forth a new proposal for the establishment of a National Commission on Truth and Reconciliation, which will have the power to compel testimony and gather official documents to reveal to the American people not only the underlying deception which has divided us, but in that process of truth seeking set our Nation on a path of reconciliation.

We suffer in our remembrance of 9/11, because of the terrible loss of innocent lives on that grim day. We also suffer because 9/11 was seized as an opportunity to run a political agenda, which has set America on a course of the destruction of another nation and the destruction of our own Constitution. And we have become less secure as a result of the warped practice of pursing peace through the exercise of preemptive military strength.

It is not simply 9/11 that needs to be remembered. We also need to remember the politicization of 9/11 and the polarizing narrative which followed, locking us into endless conflict, a war on terror which has wrought further terror worldwide and which has severely damaged our standing worldwide as an honorable, compassionate nation. As we were all victims of 9/11, so we have become victims of the interpretation of 9/11.

Our government's external response to 9/11 was to attack a nation which did not attack us. Indeed on the first anniversary of 9/11, the Bush administration issued a well-publicized stern warning to Iraq which was part of a campaign to induce people to believe Iraq had something to do with 9/11.

The deliberate, systematic connection of Iraq with 9/11 has led America into a philosophical and moral cul-de-sac as over one million Iraqis and over 4155 U.S. soldiers have died in a war which will cost over $3 trillion. Additionally, soldiers from 23 other countries have died in the Iraq war.

We attempt to unite Iraq by further dividing it. We talk about restoring Iraq while taking steps to place control of its vast oil wealth in the hands of U.S. oil giants. And we intend to impose upon the Iraqi people the cost of rebuilding a country which our government ruined, keeping a once prosperous nation lashed to debt and poverty for a long, long time. Iraq has paid for 9/11. We all continue to pay for 9/11.

The heartbreaking loss of the lives and injuries to America troops further binds us to the Administration's illogic of the Iraq war: We remember our troops' sacrifice by demanding more sacrifice; we support our troops by continuing the war.

The dominant color of our new national security since 9/11 is neither red, white nor blue. Every day is orange. Everyday reminders of fear of 9/11 become banal. Yet we no longer hear the airport announcements nor see the orange-colored warnings because they have commonplace standards in our new national security state, as is the PATRIOT Act, wiretapping, and a host of invasions of privacy and diminution of civil liberties. The Constitution has been roundly attacked by the very people who took an oath to defend it.

There is a powerful desire across America for change, not necessarily from control by one political party to another, but a change from living with lies to living with truth.

Over two dozen nations, facing peril within and without, deeply divided by politics and war have travelled down a path of restoring civil society through a formal process of reconciliation. At some point within each of those countries it was understood that the way forward is shown through the light of truth. This process is not without pain because it requires a willingness to study evidence to which eyes had been averted and ears had been closed. But in the process of truth and reconciliation, nations found new strength, new resolve, and new commitment.

The South African Truth and Reconciliation enabled that nation to come to grips with its past through a public confessional, bringing forward those who committed crimes and having the power to grant amnesty for full disclosure of crimes against the people. Of course, our path may necessarily be different: High U.S. government officials stand accused in impeachment petitions of violating national and international law. Our continued existence as a democracy may depend upon how thoroughly we seek the truth. I will call upon the American people to join me in supporting this effort.

The truth can move us forward, as a unified whole, so that we can one day become a re-United States. September 11 is the day the world changed. It is the day America embraced a metaphor of war. If we are open to truth and reconciliation, we may one day be able, once again, to embrace peace.

HONORING MARY HIGLEY'S 110TH BIRTHDAY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. GERLACH. Madam Speaker, I rise today to honor Mrs. Mary Higley, a Southeastern Pennsylvania resident who recently reached a very special milestone.

Mary celebrated her 110th birthday on Aug. 10, 2008 during a ceremony with her fellow residents at Meadowood Retirement Community in Worcester Township, Montgomery County.

Mary was born in Burriville, Rhode Island in 1898. She was the first of five children in her family. She pursued a career in the sciences after graduating from Mount Holyoke College with a degree in biology. Mary worked as a Bacteriologist for the State of Rhode Island in the Public Health Department testing water systems until she married. She and her late husband have three children, two boys and one daughter who lives nearby in North Wales, Pennsylvania.

Mary stays active at Meadowood, rising each morning at exactly 6 A.M. She is an avid reader and enjoys walks through the gardens. Known for her jigsaw puzzles, she always has one in the works in her room. Mary has been a resident at Meadowood since 1996 and continues a very busy and stimulating life there.

Madam Speaker, I ask my colleagues to join me in wishing Mrs. Mary Higley a very happy 110th birthday. She is an inspiration to all.

IN MEMORY OF SEPTEMBER 11TH

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. WILSON of South Carolina. Madam Speaker, I would like submit the following editorial published today in the Times and Democrat newspaper of Orangeburg, South Carolina on September 11, 2008. It eloquently conveys the dedication we all feel on this seventh anniversary of the terrorist attacks of September 11th. I appreciate their sentiment, and believe that we must never forget those who lost their lives on that terrible day, never forget the enemy we face, and never lose faith that our nation will prevail in this Global War on Terrorism.

SEVEN YEARS LATER: ''WE WILL NOT FORGET''

Today is Sept. 11, 2008, seven years after the worst attack against America in its history. Second District Congressman JOE WILSON has since that day made a point of referencing remembering 9–11 in every speech before lawmakers. He's offered more than words, too, with his children serving in the war on terrorism and the congressman being an active supporter of the war and the military waging it.

The Times and Democrat's continuing series of memorial posters today focuses on 9–11. ''We will not forget.'' The message has not changed.

Innocent people in the World Trade Centers and the Pentagon, and aboard an airliner in Pennsylvania, died when terrorists brought their hatred for our nation and its people to our shores. The images of airliners crashing into the very symbols of our Nation are forever etched into Americans' minds.

On this anniversary date, our Nation remains under attack. We continue to be the target of terrorists, either directly or through attacks on our allies. Extremists contending they are acting in the name of Islam continually vow to punish our nation for its perceived evil role around the world.

Defeating the threat, on the surface, appears impossible. We cannot score definitive military victories against forces that are committed only to recruiting soldiers to die while killing as many Americans as possible. There seemingly always will be another recruit.

Our forces fighting in Iraq and Afghanistan face constant threats. Our enemies boast of killing the American invaders who have come to seize holy lands. Thousands have died. Their deaths must not be in vain. The sacrifices of the thousands on Sept. 11, 2001, must not be forgotten. Our nation will stand tall, we will determine where and how to continue the fight against terrorism. Just as older generations passed the test in World War II and wars before, the generations of our time are facing their tests. We cannot afford to fail.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. ABERCROMBIE. Madam Speaker, I regret that I was delayed in reaching the floor yesterday and missed rollcall vote No. 581. Had I been present, I would have voted ''aye.''

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is September 11, 2008 in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 13,016 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution. It says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 13,016 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is September 11, 2008, 13,016 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.

IN HONOR OF MR. PAUL WEYRICH

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. RYAN of Wisconsin. Madam Speaker, I would like to take this opportunity to pay tribute to Mr. Paul Weyrich for his many contributions to the cause of freedom and liberty. Mr. Weyrich is the proud son of Racine, Wisconsin—a city that I have the privilege to represent in the U.S. House of Representatives. Wisconsin has a long tradition of challenging the prevailing political sentiments, and producing intellectually-curious, reform-minded leaders. Paul Weyrich is one such leader.

As a pioneer of the modern conservative movement, Mr. Weyrich has consistently served as a vocal defender of our economic and religious freedoms. On September 10, 2008, I had the unique opportunity to show my respect and admiration at the Paul Weyrich Legacy Dinner in Washington, D.C. On behalf of those I represent in Racine, Wisconsin, I extend my gratitude to this great American.

DIRECT SUPPORT PROFESSIONALS PROVIDE ESSENTIAL SERVICES AND DESERVE FAIR COMPENSATION

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. ALLEN. Madam Speaker, I rise today to recognize the good people at Woodfords Family Services and the other members of the Maine Association for Community Service Providers who have come to Washington, D.C. this week to take part in the American Network of Community Options and Resources Governmental Activities Seminar and the "DSPs to D.C." events.

In Maine, these agencies are working with hundreds of Direct Support Professionals (DSPs) to provide assistance to individuals with disabilities. DSPs help men, women, and children with aspects of daily living, rehabilitation, training, and other tasks, seven days a week, 24 hours a day, enabling Americans with mental and physical disabilities to live and work in their communities. This highly trained, skilled, and committed workforce supports individuals in my Congressional District. The same is true throughout the State of Maine and the rest of the country.

Years ago, the Maine Legislature decided to provide residential support to its most vulnerable citizens with developmental disabilities and other special needs. This community-based system consisted of a network of private providers who had a long history of offering services to individuals with special needs through local organizations that were created just for that purpose.

Maine's decision was an historic step forward, for it allowed my State to achieve two major goals. First, the residents of Maine's only state institution for people with developmental disabilities, Pineland Center, were transferred to small, homelike settings in local communities. This resulted in the closing of the infamous Pineland facility in 1996. The second achievement was to permit people with disabilities to remain in their home communities instead of unfamiliar locations. The work of countless Direct Support Professionals was crucial to the success of Maine's initiative.

DSPs are able to help their clients not only by lending them physical support, but by building a relationship of trust. They help individuals with communication issues convey their thoughts, enable people with physical disabilities explore the world beyond their homes, and help individuals establish friendships that allow them to give as well as receive from their communities. The success of these services is the direct result of the personal relationships that DSPs build with their clients.

Thanks to the care and support of skilled DSPs, the quality of life of many Americans with special needs has improved significantly. However, this progress is threatened by expanding need and shrinking resources. In particular, we now face a critical DSP workforce shortage because, as the cost of living rises, the low wages associated with this career are driving employees out of the field.

Despite today's high unemployment rate, members of the Maine Association for Community Service Providers struggle every day to hire and retain quality staff to work as DSPs in their residential facilities. To reverse this trend, many providers across the nation support H.R. 1279, the Direct Support Professionals Fairness and Security Act of 2007, introduced by Representative LOIS CAPPS (D–CA). This measure would provide states with funds to increase the wages paid to DSPs who provide services to individuals with disabilities under the Medicaid program.

It is time to recognize the dedication, commitment, and sacrifices DSPs make to ensure the safety and well-being of the people they serve, providing a critical safety net for our disabled citizens. This care is often physically and emotionally demanding. DSPs deserve fair compensation. Accordingly, I ask my colleagues to join me in cosponsoring the bipartisan Direct Support Professionals Fairness

and Security Act (H.R. 1279). Our health care workforce must include a sufficient number of trained Direct Support Professionals to provide these critical services. Investing in fair compensation for DSPs is the right thing to do.

BILL TO AMEND EXPEDITED FUNDS AVAILABILITY ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mrs. MALONEY of New York. Madam Speaker, this bill amends the Expedited Funds Availability Act, EFAA, to provide a 1-time adjustment in certain dollar amounts to account for inflation over the 21 years since the enactment of such Act, to provide for future adjustments of such amounts on a regular basis, and for other purposes.

In reviewing the effects of the Check 21 Act, it came to the attention of many observers, including the Federal Reserve, that the amounts specified by the EFAA as available for immediate withdrawal had not been increased in over two decades and no provision had been made for indexing those amounts for inflation. This bill accomplishes those two goals with respect to some of the amounts specified in the statute.

The Board of Governors of the Federal Reserve approved an earlier version of this legislation which also contained provisions increasing the amounts immediately available under the large deposit and new account sections of the EFAA. Those provisions have been removed from this legislation due to industry concerns, but no provisions have been added that were not approved by the Board.

This legislation is long overdue and will adjust basic banking regulations for inflation.

HONORING TANNER BOYNTON

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. CARNAHAN. Madam Speaker, I rise today to pay tribute to a constituent, Tanner Boynton, who tragically died, Friday, August 1, 2008, at the far too young age of 13, playing baseball, a game that he loved dearly.

Tanner was warming up by playing catch before tournament play when he became distracted and was tragically hit in the back of the neck with a baseball.

I did not have the opportunity to get to know Tanner before learning of his death, but like much of the community I learned a great deal about him after he was suddenly taken away from his teammates, friends and family.

Tanner played first base and outfield for the De Soto Express, which ended the season in first place. He was preparing to enter the eighth grade at De Soto Junior High.

Friends and family describe Tanner as mature beyond his age.

After his coach approached him about playing for the traveling team, Tanner had one condition: "I can't play during the week past 8 p.m. because I have to go to school the next day, and I'm really into my school situation."

When Tanner's grandmother gave him $5 to spend for himself he instead chose to drop it into a Salvation Army bucket.

At the age of 13, Tanner already had big plans in life including starting his own business using heavy equipment, making his sudden death even more tragic.

This young boy has brought together a team and community like no one could have ever imagined; he will not be forgotten. Tanner will be memorialized with an Arnold Athletic Association baseball diamond named in his honor as well as the De Soto Express Tanner Boynton Scholarship Fund awarded to De Soto High School graduating seniors who excel academically and play baseball.

I extend my deepest condolences to Tanner's family.

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

SPEECH OF

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

The House in Committee of the Whole House on the State of the Union 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:

Mr. WELCH of Vermont. Mr. Chairman, the Missisquoi and Trout Rivers are located in my home State of Vermont. The Missisquoi begins in Western Orleans County just north of the beautiful mountain town of Eden and heads up through the Green Mountains. From Eden, the river leaves the U.S. and winds through southern Quebec before returning to the small Vermont town of Richford.

If you paddle south along the Missisquoi from Richford you can find pristine clay deposits along the banks. Outside of the town of East Berkshire the Trout River feeds in from the East and slightly cools the temperature of the water. From here, the two rivers run as one all the way to Lake Champlain.

From Eden to Lake Champlain the rivers run through scenic northern mountains, rolling farm hills dotted with dairy cows, and small Vermont towns. Both rivers are highly valued by the surrounding towns and communities for swimming, fishing, and boating. Parents who grew up swimming in these rivers take their children back to the same places to teach them how to swim. In the summer you can find these swimming holes filled with families, enjoying the water and taking in the sunshine along their banks.

These rivers are bordered by the largest and perhaps the highest quality silver maple floodplain forest remaining in the State. They are also home to diverse animal life including brook trout, rare freshwater mussels and spiny soft-shell turtles. The surrounding marshes host migratory birds such as the great blue heron and black terns.

This bill will provide for a study of these two rivers and represents the first step toward protecting Abenaki Indian archeological sites along the floodplains, scenic waterfalls and gorges, and a way of life in the communities surrounding these two rivers.

I urge support for this bill.

STEVEN PEARLSTEIN TO THE RESCUE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. FRANK of Massachusetts. Madam Speaker, a great deal has been written and spoken, understandably, about various efforts by the Bush administration—with and without Congressional authorization—to rescue major financial institutions. Unfortunately, a great deal of that analysis has been distorted, inaccurate, and ill-informed. In the Washington Post, Wednesday, September 10th, Steven Pearlstein once again provides a thoughtful, balanced analysis of the public policy issues involved here. I urge all Members, Madame Speaker, to read Mr. Pearlstein's analysis and keep it in mind as we deliberate going forward on these issues. As he very sensibly puts it, "In the end, the right way to think about these rescues is not to simply ask how much they are likely to cost, but how the rescue compares to the cost of doing nothing." Mr. Pearlstein's insightful approach to the current economic crisis is one of the most important assets we now have, and it is one that is not being impaired by current trends.

[From the Washington Post, Sept. 10, 2008]

DON'T LIKE BAILOUTS? CONSIDER THE ALTERNATIVES

(Steven Pearlstein)

First came the rescue of Bear Stearns and the Fed loans to cash-strapped investment banks. Then the government stepped in to fill the financing gap left when private lenders retreated from the college loan business. Last weekend brought the takeover of Fannie Mae and Freddie Mac. And now the Not-So-Big Three are headed our way looking for $50 billion in retooling loans.

When is this going to end?

The honest answer: With stock markets swinging 300 points a day and the economy diving into recession, not anytime soon.

Indeed, the chances are pretty good that by year's end, Washington will have to bail out another big bank or investment house along with a bond insurer or two. And taxpayers will be called on to replenish the coffers of the federal agencies that insure private bank deposits and private pensions.

Already, there's been plenty of grumbling from editorial writers and market-oriented conservatives that the country is on a slippery slope toward socialism. They also fear that these rescues will encourage reckless risk-taking in the future, creating the expectation that if bets go bad, Uncle Sam will always be there with a bailout.

From the left, meanwhile, come populist complaints that government has committed enormous amounts of taxpayer money to bail out corporate fat cats and rich investors while ignoring the plight of millions of Americans facing personal bankruptcy and foreclosure.

While there is validity to these concerns, they are also based on a number of false assumptions, chief among them that vast sums are expended on these rescues.

History shows that rather than costing taxpayers, the rescues have often wound up making money.

That was the case with the Home Owners Loan Corp., a New Deal agency that bought

mortgages from banks and wound up with a small profit by the time all the loans were paid up in the early 1950s. The same was true of the controversial loan guarantees made to Lockheed and Chrysler in the 1970s. More recently, following the Sept. 11 terrorist attacks, the government set up an Air Transportation Stabilization Board that offered loans and loan guarantees to a handful of cash-strapped airlines. The agency now expects to close out its books in the black.

In the case of the $29 billion that the Federal Reserve loaned J.P. Morgan Chase to take over Bear Stearns, the final cost won't be known until the Fed sells the asset-backed securities it took as collateral for the loan. So far, so good: As of June 30, those assets had an estimated market value of $29 billion.

It's anyone's guess what the Fannie and Freddie rescue will cost, but at this point it looks to have been structured on terms quite favorable to the government. Although the government is yet to put a dime into the companies, it has received $1 billion worth of preferred stock and warrants for 80 percent of both companies' common stock simply for agreeing to provide backstop financing.

Over the next few years, however, the Treasury will almost surely have to invest tens of billions of dollars to keep Fannie and Freddie adequately capitalized, and how much of that money will ultimately be recovered depends on how things turn out with the millions of mortgages the companies hold or have guaranteed. But if it is willing to wait until housing markets finally recover, there's a good chance the government will recoup most of its investment, along with a 10 percent annual dividend and a hefty guarantee fee.

In the end, the right way to think about these rescues is not to simply ask how much they are likely to cost, but how the rescue compares to the cost of doing nothing.

It's not hard to imagine, for example, that if nothing had been done, Fannie and Freddie would have been forced by nervous bondholders to hunker down and throttle back its housing-finance activities, further destabilizing financial markets and accelerating the housing market's downward spiral. Those, in turn, could have easily turned a short recession into one that was longer and deeper—one that cost Americans an extra $200 billion in lost income, several hundred thousand additional lost jobs and a net loss to the Treasury of $80 billion. Suddenly, a Fannie/Freddie rescue begins to look like a bargain.

Aside from the money, of course, there is also the problem of moral hazard—the concept that unless markets are allowed to inflict the full measure of punishment on investors and executives for their bad judgments and undue risk-taking, it will only invite bad judgment and undue risk in the future. But using moral hazard to argue against the carefully structured rescues of Bear Stearns or Fannie and Freddie is a bit likely arguing that any sentence short of capital punishment is insufficient to deter bank robbery.

Remember that even with the rescues, top executives at Bear Stearns, Fannie Mae and Freddie Mac lost their jobs, their reputations and most of their net worth, while long-term investors lost all but a tiny fraction of their money. It's hard to imagine that anyone will look back on those experiences and see anything but a cautionary tale.

PORT OF SEATTLE AND SEA-TAC AIRPORT ENVIRONMENTAL RECOGNITION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. REICHERT. Madam Speaker, I rise today in recognition of Seattle-Tacoma International Airport, Sea-Tac, as the winner of the 2008 Environmental Achievement Award from Airports Council International—North America, ACI–NA. Sea-Tac, operated by the Port of Seattle, was recognized by ACI–NA for their Comprehensive Stormwater Management Program, CSMP.

The CSMP focuses on surface-water runoff quality, regional basin planning, and endangered salmon. According to officials at the Port of Seattle, not only did the CSMP at Sea-Tac strengthen the environmental sustainability of the communities surrounding Sea-Tac and the Pacific Northwest as a whole, it also saved taxpayer's an estimated $250 million. The Port of Seattle and Sea-Tac also worked cooperatively with local cities and government agencies to implement a $4.2 billion capital improvement program at Sea-Tac to adhere to storm water regulations and show the type of environmental leadership that reflects the values of the people of the region.

The Port of Seattle's determination to be the greenest port in the Nation should be commended. I applaud port CEO Tay Yoshitani and the five port commissioners for their innovative leadership in lessening their environmental impact and showing conclusively that green policies and economic stimulation are not divergent values. I urge the port to continue on their conservation path and I pledge to also continue pushing pro-environment legislation and ideals in the House of Representatives.

THE RECOGNITION OF 25 YEARS OF SERVICE AWARDS FOR EMPLOYEES OF THE OFFICERS AND INSPECTOR GENERAL OF THE HOUSE OF REPRESENTATIVES

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. BRADY of Pennsylvania. Madam Speaker, I rise today to congratulate and recognize outstanding employees of the Officers, Clerk of the House, Sergeant at Arms and Chief Administrative Officer, and Inspector General of the U.S. House of Representatives who have reached the milestone of 25 years of service to the U.S. House of Representatives.

Our most important asset in the House is our dedicated employees, and their work, often behind the scenes, is vital in keeping the operations and services of the House running smoothly and efficiently. The employees we recognize today are acknowledged and commended for their hard work, dedication, and support of House Members, their staffs and constituents, and for their contributions day-in and day-out to the overall operations of the House. These employees have a wide range of responsibilities that support the legislative process, assure the security of the institution, and maintain our technology and service infrastructure. They have accomplished a great many things in a wide range of activities, and the House of Representatives and its Members, staff, and the general public, are better served because of them. The individuals we honor today have collectively provided over two hundred seventy-five, 275, years of service to the U.S. House of Representatives:

Matthew P. Agee—Chief Administrative Officer

David S. Bogan—Chief Administrative Officer

James A. Bowles—Chief Administrative Officer

Mary B. Engler—Clerk of the House

Stephen R. Johnson—Chief Administrative Officer

Mary M. Kelley—Chief Administrative Officer

Arnette M. Person—Chief Administrative Officer

Robert V. Rota, Jr.—Clerk of the House

Michael H. Starnes—Clerk of the House

Nathaniel L. Tolson—Clerk of the House

Deborah J. Turner—Clerk of the House

On behalf of the entire House community, I extend congratulations and once again recognize and thank these employees for their commitment to the U.S. House of Representatives as a whole, and to their respective House Officers and Inspector General in particular. Their long hours and hard work are invaluable, and their years of unwavering service, dedication and commitment to the House set an example for their colleagues and other employees who will follow in their footsteps. I celebrate our honorees, and I am proud to stand before you and the nation on their behalf to recognize the importance of their public service.

EARMARK DECLARATION

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. WELDON of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 6599, The Military Construction and Veterans Affairs Appropriations Act for FY 2009.

I have requested that the committee provide the full $122,000,000 requested by the Administration for construction of the East-Central Florida (Orlando) New Veteran's Medical Facility under the Department of Veterans Affairs Major Construction account. The committee provided $220,000,000 within the bill.

The Medical Center will consist of a 134-bed hospital, a large medical clinic, a 120-bed Nursing Home, a 60-bed domiciliary, and full support services, utilities, and infrastructure on a new site. It will provide VA Acute Care, complex Specialty Care and advanced Ancillary/Diagnostic services for approximately 92,000 veteran enrollees. The site selected is in the Lake Nona development in Orlando, Florida.

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. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 2008

Mr. COHEN. Mr. Speaker, I rise today to honor our departed colleague the Honorable STEPHANIE TUBBS JONES.

Many have attested to STEPHANIE's contagious smile and fierce loyalty to her friends. I always respected and admired her. I can honestly say that she was a nice and professional colleague. We spoke for the last time a couple of weeks ago at the Congressional Black Caucus's Annual Retreat in Tunica, Mississippi. I feel a sense of gratitude for our meeting. We talked. We embraced. STEPHANIE expressed her congratulations for my success as a freshman legislator. She spoke fondly of her time in Memphis as she visited her family there.

Over the past decade, STEPHANIE was an undeniable force in Congress. She broke barriers in 1998 by being elected the first African American woman in Congress from Ohio. She persisted over the years and was appointed to the powerful Ways and Means Committee. She served with a sense of pride as the chairwoman of the House Ethics Committee.

STEPHANIE and I co-sponsored a great deal of legislation together. On July 29, 2008, we unified as Members of Congress and passed H. Res. 194: the formal apology for government's involvement in slavery and Jim Crow. STEPHANIE was one of my earliest co-sponsors. She was a community conscious legislator. She fought for the people and sponsored legislation on issue areas ranging from community economic development to enfranchisement and retirement security.

I am forever grateful that my last interaction with STEPHANIE concluded with a deep and meaningful hug. My only regret is that STEPHANIE and I will not have the opportunity to work together in the future.

HONORING NATIONAL GRANDPARENTS DAY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. DAVIS of Illinois. Madam Speaker, we celebrate National Grandparents Day on the first Sunday after Labor Day every September. In honor of the 2008 National Grandparents Day, I wish to recognize the contribution of the millions of grandparent caregivers who raise their young relatives. In the United States, more than four and one half million grandparents are raising over six million children. These grandparents have embraced the role of full-time caregivers—juggling car seats, monitoring homework, and stretching fixed-incomes—to protect young children whose parents cannot provide them safe, permanent homes. This is not the vision of retirement that most of us hold, but it is a reality for millions of Americans.

In Illinois, approximately 80,000 grandparents head households that include young children. Indeed, my Congressional District has the highest percentage of children living with kinship caregivers in the Nation, followed by the First District of Illinois with the second highest percentage and the Second District with the tenth highest percentage in the nation. I know the sacrifice and dedication of these grandparents. I know the lengths they go to identify the resources and obtain supports for these youth, foregoing their own needs to provide for their grandchildren.

I am pleased that Congress is advancing legislation to support these grandparent caregivers. In June, the House of Representatives passed H.R. 6307, the Fostering Connections to Success Act. This bill includes important provisions that I have championed for 4 years that will support kinship caregivers. Specifically, the bill includes the three core elements of my bill, H.R. 2188, the Kinship Caregiver Support Act, which I introduced with Representative TIM JOHNSON: It allows states to use Federal funds to support family caregivers' raising relatives who were in the foster care system; it provides funding to establish kinship navigator programs; and it requires notification of relatives when a child enters the foster care system. The Senate Committee on Finance is advancing related legislation this week. It is important that Congress acts quickly to support grandparent-headed families. Research clearly shows that kinship foster care families are safer, more stable placements that are more likely to keep children connected with their siblings and communities than non-relative placements. Further, these placements are cost effective. In Illinois, cost studies found a projected savings of approximately $48 million over 10 years. We know that millions of grandparents care for grandchildren who never entered the foster care system, and we need to include supports—such as kinship navigator programs—to help these families identify and access services as well.

National Grandparents Day reminds us to care for our seniors. It is a fact of nature that all of us will turn grayer. I hope that Congress will succeed in implementing key supports for kinship caregivers who have done so much to protect and care for some of our most vulnerable citizens.

INTRODUCTION OF THE MEDICARE HOSPICE PROTECTION ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. VAN HOLLEN. Madam Speaker, I rise today to introduce the Medicare Hospice Protection Act to help preserve Medicare beneficiaries' access to hospice services. I am pleased to be introducing this legislation with my colleagues JIM RAMSTAD and MAURICE HINCHEY.

Established as a Medicare benefit in 1983 to ensure that all beneficiaries could access high quality end-of-life care, hospice is a comprehensive model of care that encompasses the physical, spiritual, emotional, and practical needs of the patient. Considered to be the model for quality, compassionate care at the end of life, hospice care involves a team-oriented approach of expert medical care, pain management, and emotional and spiritual support expressly tailored to the patient's wishes. Hospices around the country provide invaluable services and care by enhancing the quality of life for the terminally ill.

The Medicare hospice benefit has significant cost savings. A Duke University study showed that patients receiving hospice care cost the Medicare program about $2,300 less than those who did not.

Unfortunately, the Bush Administration and the Centers for Medicare and Medicaid Services (CMS) recently issued a final rule that would eliminate the budget neutrality factor in the Medicare hospice wage index. This will result in a $2.18 billion reduction in Medicare hospice reimbursement over 5 years and threatens the ability of hospice providers to care for the terminally ill. This legislation seeks to prevent CMS from implementing this short-sighted rule until October 2009.

I initiated a letter in April 2008, signed by 49 House members, to Health and Human Services Secretary Mike Leavitt urging him to reconsider issuing this rule that phases out the current budget neutrality factor in the Medicare hospice wage index. That letter was ignored as the Administration has moved forward and issued this misguided regulation.

Madam Speaker, as our nation faces the continuing challenges of meeting the health care needs of an aging population, now is not the time to cut back on Medicare reimbursement for hospice services, which is cost effective and saves Medicare money. I invite my colleagues to join us to pass the Medicare Hospice Protection Act to ensure access to hospice services for the patients and families who need it.

HONORING SGT RYAN BAUMANN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. HOYER. Madam Speaker, I rise in memory of a Maryland native who died last month in our country's service: SGT Ryan Baumann of Great Mills. I know how small a difference any words of mine can make for those who loved and lost him; but still, he deserves all the honor we can give.

Ryan Baumann grew up in Great Mills, Maryland, where he excelled in sports and was an award-winning photographer. He met his fiance, Lauren Smith, soon after graduating from high school; tragically, he was killed in action before they could marry.

Sergeant Baumann was a veteran of Iraq and Afghanistan, a highly decorated soldier. His awards included the Meritorious Service Medal, the Army Commendation Medal, the Army Achievement Medal, two awards, the National Defense Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, and the Overseas Ribbon. He was also posthumously awarded the Purple Heart and the Bronze Star.

Sergeant Baumann's death typified his outstanding service. Traveling on Route Alaska in

Khost Province, Afghanistan, Sergeant Baumann spotted an improvised explosive device from his Humvee. As his fiance explained, "They were going downhill and he saw the land mine and he was telling them to stop, and you can't stop a Humvee going downhill, and he told them to veer to the left, which made him take the brunt of the explosion. He wouldn't have had it any other way." Sgt. Baumann died of his injuries; every other serviceman in the Humvee survived.

In the wake of his death, we honor his commitment to our country, his tremendous sacrifice, and his devotion to his comrades-in-arms. As they mourn their great loss, our thoughts are with his family: his father Robert; his mother Cindy; his stepfather Gary Lohman; his sister Christina; and his fiance, Lauren Smith. I pledge to them all the support a grateful nation can give.

HONORING THE 95TH BIRTHDAY OF ROBERT SIDNEY CLOTFELTER

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. GINGREY. Madam Speaker, I rise today to honor Robert Sidney Clotfelter, who is celebrating his 95th birthday this week. Sidney Clotfelter is a life-long Georgian who has spent the majority of his 95 years enriching lives of citizens in the heart of my district—Marietta, Georgia. Born in Fulton County, Georgia on September 14, 1913, Sidney was one of five children to Charles Thomas and Era Northcutt Clotfelter.

Growing up in Marietta during the Great Depression, Sidney sold vegetables from the back of a Model T Ford to help make ends meet for his family.

Sidney attended Marietta High School and graduated in 1932, where he was voted Best All-Around Senior. After high school, he attended a local business college, and then studied two years at Georgia Tech. During World War II, he served his country as an officer in the Army with the Corps of Engineers.

Sidney has been an active member of the First Presbyterian Church since 1928, where he has served as Deacon and has been on the Property Committee for twenty years.

He has owned and operated a number of businesses, including a contracting company for commercial and industrial construction. He built schools, churches and various commercial buildings around Marietta, and did construction work for Southern Bell and AT&T in every state in the Southeast. For several years he worked for Lockheed Martin in maintenance and construction.

In 1992, he was honored with the Marietta High School Distinguished Alumni Award. Sidney Clotfelter has been a member of the Marietta Rotary Club since 1946 and served as the Club's president from 1962 to 1963.

Sidney Clotfelter has contributed much to the communities of Marietta, Cobb County, and the entire state of Georgia during his 95 years. His donations of time, work and money to a wide variety of organizations and causes have been substantial, continual and selfless—often giving anonymously. He is a dedicated family man who is blessed to have all four of his children living near him on the property where he was raised. Sidney has spent thirty-two wonderful years married to Barbara Porter Clotfelter and, along with his four children, has eight grandchildren and eleven great-grandchildren.

Madam Speaker, I ask that my colleagues join me in wishing Robert Sidney Clotfelter a happy and healthy 95th birthday and thanking him for a lifetime of service to his community.

RECOGNIZING THE 50TH ANNIVERSARY OF MARIAN HIGH SCHOOL

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. KNOLLENBERG. Madam Speaker, I want to recognize Marian High School in Bloomfield Hills, MI as they celebrate their 50th anniversary on September 14, 2008. The school continues to be a beacon of academic excellence that nurtures future generations of leaders.

Marian High School is a Catholic, college preparatory high school for young women founded by the Sisters, Servants of the Immaculate Heart of Mary in 1959. The congregation continues to sponsor the school and is still an active part of the administration. The school's mission is to ensure, within a Christian environment, an excellent education built on a strong academic curriculum, which will enable young women to value human diversity and live responsible lives of leadership and action based on gospel values.

Marian's philosophy of melding Christian values with scholastic achievement has proven to be one of success. This is exampled by the fact that Marian students have consistently performed above the state and national averages on the SAT and ACT. In addition, Marian offers 20 honor level courses and 12 advanced placement courses, which allow students to earn college credits. The faculty has also shown a commitment to improving the quality of the education students are receiving with over 60 percent of them holding an advanced degree.

Madam Speaker, Marian High School continues to be one of the finest educational institutions in Michigan. I wish to congratulate the administration, faculty, students, and alumni on their 50th Anniversary and hope for many years of prosperity.

25TH ANNIVERSARY OF TRI-COUNTY MENTAL HEALTH AND MENTAL RETARDATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. BRADY of Texas. Madam Speaker, I rise today to recognize the 25th anniversary of the Tri-County Mental Health and Mental Retardation being designated as the MHMR center for Montgomery, Liberty and Walker counties in southeast Texas. I ask my colleagues and those visitors in the House Chamber to join me in congratulating Tri-County MHMR and applauding the work they've done over the past quarter century.

Twenty-six years ago, a small group of community leaders joined together to make the dream of local MHMR services a reality—the dream they shared became a reality on September 1, 1983. What initially was only an outpatient service center grew to have a budget of $1.5 million and 46 employees by the end of the first year. Tri-County MHMR grew from these humble beginnings into a $22 million system that serves nearly 7,000 people and has more than 350 employees.

It is only through the dedication of the founders, the continued work of the employees, and the support of the community that Tri-County MHMR has seen such tremendous success and been able to make such a positive impact on the community.

If you name the service chances are Tri-County MHMR offers it; from outpatient psychiatric services, nursing and counseling to supported employment, habilitation and vocational training for both adults and children. The impact they've had has been felt locally and with the help of Federal grants, they continue to offer new services and provide better care. Only last year, they received over $1.3 million to build additional supported apartment housing in Montgomery County. Tri-County MHMR continues to grow and identify new areas where they can contribute and, with the help of the State of Texas, the Montgomery County Hospital District, and the Montgomery County United Way, Tri-County MHMR will open a much needed Crisis Stabilization Unit in 2009.

It is an honor to recognize such an impressive group of individuals and such a noble organization. I hope all Americans can learn from the example Tri-County MHMR continues to make and step forward to fill a need in their local community, help other people, and in a small way help make life better for someone else.

TRIBUTE TO DR. ICHIJI TASAKI

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize the outstanding achievements of my constituent Dr. Ichiji Tasaki. Dr. Tasaki has worked at the National Institutes of Health for 54 years, since November 1953, and has made invaluable contributions to the scientific community.

Dr. Tasaki was born in Japan in 1910 and attended medical school at Keio University Medical School. Upon earning his medical degree, Dr. Tasaki began a career in research. After completing a Rockefeller Fellowship in Switzerland and England, Dr. Tasaki immigrated to the United States in 1951, where he began work at the Central Institute for the Deaf in St. Louis, Missouri, helping to develop the field of audiology, which serves as a foundation for diagnosing and treating numerous hearing disorders.

Dr. Tasaki began his career at the National Institutes of Health as a Section Chief in the National Institute of Neurological Disorders and Blindness. He went on to become a Laboratory Chief and later a Senior Research Scientist at the National Institute of Mental Health, where he remained for twenty-two years. Most recently, Dr. Tasaki was associated with the National Institute of Child Health and Human Development.

Dr. Tasaki has made countless contributions to scientific understanding. He is well known for discovering the insulating function of the myelin sheath, the salutatory feature of nerve conduction, and the rapid swelling of nerve fibers in association with their excitation. He also developed an important method of intracellular perfusion and the new method of detecting heat production associated with nerve excitation. Dr. Tasaki's work is referred to in biology textbooks, and he is recognized as the most senior author of ''Scholarpedia.''

Madam Speaker, I am honored to commend Dr. Ichiji Tasaki for his significant contributions to scientific understanding. I ask my colleagues to join me in applauding the advances he has made to improve the quality of life throughout the world.

RECOGNIZING BAKER CHAPEL AFRICAN METHODIST EPISCOPAL CHURCH UPON THEIR 100TH ANNIVERSARY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate Baker Chapel African Methodist Episcopal Church on its 100th anniversary.

Baker Chapel African Methodist Episcopal Church was founded in 1908 as a place of worship and institution of service to its community. The Reverend Walter McDonald, current Pastor, and the church membership have sought to minister to the spiritual, intellectual, physical, and emotional needs of the people of the surrounding area. For a century, BCAMEC has stood as an esteemed religious institution, serving as a beacon in Tarrant County to reach out to its neighbors and serve the misfortunate.

I recognize Baker Chapel African Methodist Episcopal Church for their accomplishment of a century of service to the Fort Worth community. It is my privilege to represent the members of Baker Chapel in the 26th district of Texas.

TRIBUTE TO WILLIAM BYRD SPENCER

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. ROGERS of Michigan. Madam Speaker, I rise to honor the accomplishments of William Byrd Spencer of Washington, DC. William Byrd Spencer, known to most as Bill, is considered one of Washington, DC's preeminent labor/management specialists and political strategists. Bill has worked in the government affairs division at the Associated Builders and Contractors (ABC), one of the Nation's largest construction trade associations, for 19 years, serving as ABC's chief political strategist for the last 8 years. During his time at ABC, Bill has covered all aspects of their government affairs activities and policy making, including legislative, political, legal and regulatory affairs. Many on Capitol Hill credit Bill's hard work and tireless dedication to free enterprise and merit shop construction as a primary reason ABC is considered one of the most influential organizations in Washington today. Bill is widely respected by his peers, and counsels many Members of Congress on a variety of issues.

Bill received his bachelor of arts in International Relations from the University of Southern California and his juris doctor from the University of the Pacific's McGeorge School of Law in Sacramento. Bill came to Washington in 1987 to serve in the Reagan Administration where he worked in the Office of the Secretary at the United States Department of Commerce. In addition Bill has served in high level positions in numerous campaigns around the country.

Above all Bill is a consummate family man. He always finds the time to attend his daughter Kelsey's dance recitals and his son Will's baseball games with his wife Allison.

I know I am not the only Member of the United States Congress who wishes Bill all the best and to thank him for everything he has done.

HONORING CARL DICKERSON

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Ms. LEE. Madam Speaker, I rise today to acknowledge the life and contributions of Mr. Carl Dickerson as his family and friends join together to celebrate the joyous occasion of his 70th birthday. An innovative entrepreneur, community advocate, and tireless champion for civil rights and equality, Mr. Dickerson has contributed immensely to our society.

Carl Dickerson was born in McKeesport, Pennsylvania on September 12, 1938. Born into a loving family, Carl established a deep value system centered on hard work and close relationships which he has carried with him through his many lifetime accomplishments.

After graduating from high school, Carl served his country and pursued his education with an endless voracity and thirst for knowledge. He is a graduate of the U.S. Army College of Emergency Administrative Analysis in Battlecreek, Michigan, as well as of the U.S. Army Staff College of Nuclear Science in Sheeps Head Bay, New York. In 1960, Mr. Dickerson received his degree from Lincoln University in Pennsylvania and went on to complete graduate work at Temple University.

Carl Dickerson's life has been filled with groundbreaking business ventures, community contributions, and accomplishments both as a recognized leader and astute businessman. For four years, Mr. Dickerson served our young people as a dedicated educator, teaching at West Philadelphia High School in Pennsylvania and at the University of California, San Francisco. In the business world, he served as the president of Echo911 and the Principal at IGP Tech.

Carl has always been relentlessly devoted to his community, and has spent the majority of his life donating his time and efforts to countless professional affiliations where he has served in numerous capacities and board positions. Just a small example of his many commitments includes being a member of both the National and California Associations of Health Underwriters, founding member of the Academic Council of Insurance Planners, and Associate of the Black MBA Association. He has held myriad board positions for such community benefit organizations as the Los Angeles Community Lending Corporation, the Los Angeles Urban League, the Black Business Association, and the Center for Non Profit Management.

In light of all of these impressive accomplishments, however, Carl's most notable contribution has been as the creative and supportive president of Dickerson Employee Benefits, which he founded in 1965. As a result of Carl's activities, both political and civic, Dickerson Employee Benefits has maintained strong roots in minority communities throughout Southern California. The mission statement of Carl's business closely emulates the mission of Carl's life, which he lives up to everyday: ''the belief that all people should have equal access to affordable healthcare.''

Carl Dickerson is a successful entrepreneur who has never forgotten his roots, has always fought on behalf of those most in need in his community, and has remained acutely aware that equal opportunity and equal access for people of color is a cause still very much alive and in need of leaders like him. Most importantly, Carl has used his personal success to bring others up behind him.

Fortunately, I have had the honor of witnessing this man at work many times. His positive outlook, energetic spirit, and warm humor are always present no matter what task he has before him. Carl is constantly coming up with creative new ideas and inspiring people to soar to new heights and attempt things they never thought they would be able to do. Carl Dickerson is a man who can produce a sense of self-confidence and adventure in others which they would never find within themselves without his encouragement and guidance. In this way, not only is he a talented and successful person himself, but he has the incredibly rare ability to drive others to realize their full potential.

On behalf of the 9th Congressional District, it is my great pleasure to join Carl Dickerson's mother, wife, children, grandchildren, in-laws, and a host of loving family and friends as we celebrate the 70th birthday of this great man. Congratulations, and I wish you all the best in the coming years.

ON THE INVALUABLE CONTRIBUTION TO EDUCATIONAL EQUITY MADE BY JAMES KETELSEN

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mrs. MCCARTHY of New York. Madam Speaker, I rise in honor of James Ketelsen, the founder of Project GRAD, an education reform model that is transforming the hopes of tens of thousands of students and families across the country. Mr. Ketelsen has announced his intention of resigning as chair of the Project GRAD USA board of directors, and will become chair emeritus later this fall.

Mr. Ketelsen is the former CEO and chairman of Tenneco. Under Mr. Ketelsen's leadership, in 1988 Tenneco began to fund a 4-year

scholarship program for eligible graduates of Davis High School, at the time Houston's lowest-performing high school. By 1992, the number of Davis graduates entering college had more than quadrupled. Still, Mr. Ketelsen was not satisfied because high school graduation rates and college matriculation rates continued to fall short of his expectations. He knew, given the right investments and the right commitment, that Davis students—and all students from economically disadvantaged communities—were capable of much more. As Mr. Ketelsen is inclined to insist, ''It's not the kids!'' Armed with that belief, Mr. Ketelsen has dedicated the last two decades to making an enormous difference for America's highest needs students.

I have been a longtime supporter of Project GRAD in Congress and was pleased to be able to get a provision into the recently-enacted Higher Education Opportunity Act to expand Project GRAD so that more low-income and minority students can attend college and earn degrees. Today, Project GRAD has expanded to 13 communities and reaches more than 120,000 students and families from California to New York, Alaska to Georgia. In the longest-served group of schools, GRAD scholars are completing college at a rate 92 percent above the national average for students from similar demographic backgrounds. A statistically significant sample of GRAD scholarship recipients who have completed college shows that the proportion who graduated with majors in science, technology, engineering, and mathematics—concentrations of dire need for the national economy and national security—exceeded the national average for minority students by 71 percent. In the coming academic year, more than 7,500 students will be in college, funded by a Project GRAD scholarship. GRAD has already sent high school graduates to more than 100 institutions of higher education, including many of the most highly selective colleges and universities in the Nation. At the beginning of high school, many Project GRAD students would never have dreamed of attending Harvard, Yale, MIT, Cornell, Emory, Georgetown, Rice, Texas, Virginia, or Amherst, yet because of Mr. Ketelsen's vision, determination, and remarkable leadership, Project GRAD has altogether altered those expectations.

I am honored to know James Ketelsen personally and I am grateful for the tenacity and passion with which he has served America's children and families. I ask my colleagues to join me in expressing the gratitude of the U.S. Congress for the extensive contributions to education and our society that he made during his lifetime.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2008

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2008

Mr. HOLT. Mr. Speaker, I am pleased that the House is considering today S. 2617, the Veterans' Compensation Cost-of-Living Adjustment (COLA) Act of 2008. If enacted, this bill would require the Secretary of Veterans Affairs to provide a COLA to veterans receiving disability compensation and other select VA beneficiaries that matches the cost-of-living increase rates of Social Security beneficiaries. The increase would take effect December 1, 2008.

I am pleased that this Congress has kept its promises to America's veterans. Last year, we passed the largest single funding increase in the history of the VA, and I am hopeful that we will continue to increase funding for key VA programs over the coming year. In the meantime, it is necessary for us to meet some other basic challenges facing our veterans, and the bill before us addresses one of those challenges.

Many veterans live on fixed incomes, and thus have been very hard hit by recent increases in prices for food, gasoline, and other essentials. By passing this COLA, we will give veterans across America the additional financial assistance they need to care for themselves and their families. The Senate passed this bill in July 2008. I urge my colleagues to join me in supporting this bill, and I urge the President to sign it as soon as it reaches his desk.

HONORING MARK TEETERS OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to pay tribute to Mark Teeters, who is being honored as the Napa County 2009 Teacher of the Year.

Mr. Teeters is entering his ninth year as Director of Choral Activities at Vintage High School in Napa. He also serves as chair of the Vintage High Visual and Performing Arts Department.

Under his leadership, the Vintage High School choir has ascended to elite status, winning gold medals at competitions around the world. They are a fixture at community events and contribute greatly to the cultural and artistic vitality of the Napa Valley. During the past 4 years, they have performed two extremely well-received musicals: Les Miserables and Miss Saigon.

As a lifelong Napan, Mr. Teeters not only uses his considerable talents to serve his students, but the community at large as well. He serves as Music Director at Covenant Presbyterian Church in Napa and co-conducts the Napa Valley Chorale, a local community choir.

A great teacher can have an impact on a young person that lasts forever. All of us can remember a teacher that has had a profound influence on our lives. Mr. Teeters has had this impact on hundreds of his students and is a sterling example of the best his profession has to offer. Under the constant specter of budget cuts to art and music programs, Mr. Teeters works tirelessly to ensure music education continues to play an important role in the life of his students.

Madam Speaker and colleagues, it is my distinct pleasure to recognize Mark Teeters for the leadership, guidance and inspiration he has provided to hundreds of young people throughout his career. I join the entire community in thanking him for his service and wishing him continued success.

RECOGNIZING THE WORKFORCE MOSAIC AND THEIR ROLE IN THE ANCOR 2008 GOVERNMENTAL ACTIVITIES SEMINAR

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. TERRY. Madam Speaker, I rise today to recognize all the good people at Mosaic, who have come to Washington, D.C. to take part in the American Network of Community Options and Resources, ANCOR, 2008 Governmental Activities Seminar.

Mosaic, a disability advocacy organization based in my Congressional district, has a long history of providing direct support and services to individuals with disabilities of all ages. It employs more than 5,000 employees nationally who provide a range of supports 7 days a week, 24-hours a day. In Omaha, Mosaic's highly skilled and committed workforce support more than 250 individuals, making Mosaic one of the largest providers in the metropolitan area.

Throughout this week, people from Mosaic, along with the attendees at ANCOR's events are meeting with their Congressional offices to raise awareness about the need for an adequately paid, trained and dedicated workforce. Most direct support professionals are women with families working 40-hour work weeks at an average of $9.47 an hour. That amounts to an annual salary of $18,182, a figure below the $21,200 poverty level for a family of four. Low wages have been a prime obstacle in maintaining a qualified workforce. Unlike other sectors of the private market, the formal long-term supports system is almost entirely dependent upon public financing—particularly Medicaid funding.

Demand for direct support professionals continues to grow and is estimated to increase by about 38 percent over the next 12 years. We must ensure that qualified and reliable people are recruited as caregivers so that they in turn can help individuals with disabilities participate and contribute to their communities.

Madam Speaker, there is no better way to recognize this workforce's contribution to the Nation than to ensure that these dedicated direct support professionals are fairly compensated. I urge my colleagues to join with me in cosponsoring the bipartisan Direct Support Professionals Fairness and Security Act, H.R. 1279.

REMEMBER THOSE KILLED ON SEPTEMBER 11, 2001

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. MICA. Madam Speaker, As our Nation reflects upon the day of the terrorist attacks 7 years ago this week, I cannot forget my friends who were killed by terrorists that day.

Some 7 weeks before September 11, 2001, I spent several days in New York City with Neal Levin, executive director of the Port Authority New York and New Jersey. I met Neal when he was the legislative director to Senator Al D'Amato of New York and when I was

chief of staff to Senator Paula Hawkins of Florida. In early 2001, he became director of the Port Authority, just as I became chairman of the U.S. House Aviation Subcommittee in Congress.

With New York area airports under his authority, he called on me as an old friend to come to New York, review the air congestion problem and conduct a hearing on the matter. I obliged my friend Neal and after visiting John F. Kennedy International, Newark Liberty International and LaGuardia Airports, held a hearing in the Port Authority Hearing Room in the World Trade Center. After the hearing, Neal hosted me and several other guests in the Port Authority's Dining Room adjacent to the Windows of the World Restaurant at the top of the World Trade Center. It was in that same room where I left Neal and the others who assisted me that they all met their deaths on Tuesday, September 11th.

On the morning of September 11, 2001, Secretary of Defense Donald Rumsfeld invited me and several other Members of Congress to a breakfast meeting at the Pentagon. Our discussion that day was how to rebuild our Nation's military capability that had been downsized under the outgoing Clinton Administration. Specific to the conversation was how our stretched and limited military could muster the resources to deal with a future engagement.

As the meeting concluded near 9 a.m., I was speaking with the Defense Secretary at the end of the conference table as word of the first plane to hit the World Trade Center reached us. Then we were told of the second attack. While the Secretary stepped into his adjacent office, I conferred with several of his top aides about the situation. Missing my ride back to Capitol Hill, I sought a ride to the House Office Building and arrived just as the plane hit the Pentagon.

Killed in the Pentagon, where I had departed just minutes before, was Terry Lynch who worked as a U.S. Senate staffer for Alabama Senator RICHARD SHELBY. Terry and I were friends from our U.S. Senate staff days. On Flight 93, was Barbara Olsen who worked with me on the House Government Reform Committee. She was a brilliant and most capable professional and a dear friend who was killed by fanatic terrorists.

While 7 years have passed, I can never forget these friends or the manner in which they were taken from us and their families. As Americans, we are blessed with a life most of the world can only dream about. While we go about our lives, we should not and can not ever forget those taken from us on September 11th.

HISTORICAL SOCIETY OF WHITPAIN—FRANKLINVILLE ONE-ROOM SCHOOLHOUSE 150TH ANNIVERSARY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Ms. SCHWARTZ. Madam Speaker, I come before you today to congratulate the Historical Society of Whitpain on the 150th anniversary of the Franklinville School. The Franklinville School, a one room schoolhouse, was originally constructed in 1858 to serve the small area of Franklinville and served in that capacity until 1916. After its closure, Ralph Beaver Straussburger, a Naval Academy Graduate and aide to President Theodore Roosevelt, purchased the schoolhouse as part of a small estate when he married into the Singer family, of the Singer Sewing Machine Company.

Mr. Straussburger modeled his estate after a French manor house and named it Normandy Farms. The Franklinville School was an integral part of Straussburger's estate, serving as a school not only for Straussburger's children but also for the children of the employees of the estate.

In the following years, the schoolhouse was abandoned and fell into a state of dilapidation and disrepair. In 1983, The Historical Society of Whitpain was founded for the purpose of restoring the old schoolhouse. Over the next 14 years, volunteers tirelessly worked to raise money to restore the schoolhouse and in 1997, the Historical Society gained title to the Franklinville School.

The Society has worked tirelessly to finish the restoration of the schoolhouse, including replacing the building's unsafe flooring. Prior to the completion of the restoration, the Society commissioned an archeological dig and recovered a number of artifacts that exemplify America of the 1850's, including medicine bottles, inkwells and an 1876 Liberty Head quarter.

Madam Speaker, once again I congratulate the members of the Historical Society of Whitpain on their tireless efforts to reclaim and restore the history that has made our country what it is today. It is through such efforts that we can hope to learn more about our Nation's past and ensure that our extraordinary history is accessible to future generations.

HONORING THE LIFE OF MR. CHARLES A. SARDO, SR.

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. GERLACH. Madam Speaker, I rise today to remember the life of Charles A. Sardo, Sr., a Southeastern Pennsylvania resident who dedicated himself to proudly serving his community, country, church and family.

Before his passing on January 21, 2008, Mr. Sardo served his community for 22 years as chairman of the Planning Board and Zoning Hearing Board in Lower Providence Township, Montgomery County. His service also included holding the posts of Building Inspector, Zoning Officer, Road Master, and Township Manager in Worcester Township, Montgomery County. His most recent post was Borough Manager in Trappe, Montgomery County. During his 22-month tenure, Mr. Sardo secured grants through the Kaboom program, which financed the construction of a playground at Waterworks Park. This playground will always stand as a symbol to Mr. Sardo's tireless commitment to the communities that he served.

In addition to giving his all to enhance communities, Mr. Sardo answered the call to serve his country as a Marine. It was during that service that an injury led to his honorable discharge.

While public service demanded a large portion of his time, Mr. Sardo always had time to faithfully serve his church. He was an active member of Visitation of the Blessed Virgin Mary for 35 years where he attended mass and hosted an annual roast beef dinner for his congregation. As a member of the Knights of Columbus, he was recognized for great leadership as Knight of the Year and as Grand Knight for the Pope John Paul I Council.

Mr. Sardo's devotion to his family was about the only thing that surpassed his long list of good works in his public life. He was a proud father who was always involved in his children's activities, including Little League Baseball and Cub Scouts. He was a faithful and conscientious father, grandfather, and husband.

Madam Speaker, I ask that my colleagues join me today in honoring the life of Mr. Charles A. Sardo who was a shining example of what all of us strive to be, a dedicated citizen and loving family man.

Daily Digest

HIGHLIGHTS

Senate passed S. 3406, Americans with Disabilities Act Amendments Act.

Senate

Chamber Action

Routine Proceedings, pages S8329–S8455

Measures Introduced: Fourteen bills and two resolutions were introduced, as follows: S. 3469–3482, and S. Res. 655–656. **Page S8383**

Measures Reported:

S. 381, to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies. (S. Rept. No. 110–452)

S. 2382, to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense, with an amendment in the nature of a substitute. (S. Rept. No. 110–453)

S. 3328, to amend the Homeland Security Act of 2002 to provide for a one-year extension of other transaction authority. (S. Rept. No. 110–454)

H.R. 3068, to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony, with an amendment in the nature of a substitute. (S. Rept. No. 110–455)

S. 3013, to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, with amendments. (S. Rept. No. 110–456)

S. 2997, to reauthorize the Maritime Administration, with amendments. (S. Rept. No. 110–457)

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. **Page S8375**

Measures Passed:

ADA Amendments Act: Senate passed S. 3406, to restore the intent and protections of the Americans with Disabilities Act of 1990. **Pages S8342–56**

September 11 Terrorist Attacks Against the United States of America: Senate agreed to S. Res. 656, expressing the sense of the Senate regarding the terrorist attacks committed against the United States of America on September 11, 2001. **Page S8455**

Measures Indefinitely Postponed:

U.S. and Russian Federation Nuclear Cooperation: Senate indefinitely postponed S.J. Res. 42, relating to the approval of the proposed agreement for nuclear cooperation between the United States and the Russian Federation. **Pages S8454–55**

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:

Pages S8333–34, S8339–42, S8361–64

Pending:

Reid Amendment No. 5290, to change the enactment date. **Page S8333**

Reid Amendment No. 5291 (to Amendment No. 5290), of a perfecting nature. **Page S8333**

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 S8333**

Reid Amendment No. 5293 (to the instructions of the motion to recommit to the bill), of a perfecting nature. **Page S8333**

Reid Amendment No. 5294 (to Amendment No. 5293), of a perfecting nature. **Page S8333**

A unanimous-consent agreement was reached providing that the previous order with respect to a prohibition on motions to proceed remain in effect during the session of the Senate on Thursday, September 11, 2008. **Page S8333**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Friday, September 12, 2008, and that the order with respect to a prohibition on motions to proceed remain in effect during the session of the Senate on Friday, September 12, 2008. **Page S8455**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of India Concerning Peaceful Uses of Nuclear Energy, received during adjournment of the Senate on September 10, 2008; which was referred to the Committee on Foreign Relations. (PM–63) **Pages S8372–73**

Executive Reports of Committees: Senate received the following executive reports of a committee:

Report to accompany Treaty with Sweden on Mutual Legal Assistance in Criminal Matters (Treaty Doc. 107–12) and Mutual Legal Assistance Agreement with the European Union (Treaty Doc. 109–13) (Ex. Rept. 110–13);

Report to accompany Treaty with Malaysia on Mutual Legal Assistance (Treaty Doc. 109–22) (Ex. Rept. 110–14);

Report to accompany Protocol Amending 1980 Tax Convention with Canada (Treaty Doc. 110–15) (Ex. Rept. 110–15);

Report to accompany Tax Convention with Bulgaria with Proposed Protocol of Amendment (Treaty Doc. 110–18) (Ex. Rept. 110–16);

Report to accompany Tax Convention with Iceland (Treaty Doc. 110–17) (Ex. Rept. 110–17);

Report to accompany 1995 Revision of Radio Regulations (Treaty Doc. 108–28) (Ex. Rept. 110–18);

Report to accompany International Convention on Control of Harmful Anti-Fouling Systems on Ships, 2001 (Treaty Doc. 110–13) (Ex. Rept. 110–19);

Report to accompany Land-Based Sources Protocol to Cartagena Convention (Treaty Doc. 110–1) (Ex. Rept. 110–20);

Report to accompany 1996 Protocol to Convention on Prevention of Marine Pollution by Dumping of Wastes (Treaty Doc. 110–5) (Ex. Rept. 110–21);

Report to accompany CCW Protocol on Explosive Remnants of War (Treaty Doc. 109–10(C)) (Ex. Rept. 110–22); and

Report to accompany International Convention for Suppression of Acts of Nuclear Terrorism (Treaty Doc. 110–4) (Ex. Rept. 110–23). **Pages S8375–83**

Messages from the House: **Page S8373**

Measures Referred: **Page S8373**

Enrolled Bills Presented: **Page S8373**

Executive Communications: **Pages S8373–75**

Executive Reports of Committees: **Page S8375**

Additional Cosponsors: **Pages S8383–86**

Statements on Introduced Bills/Resolutions: **Pages S8386–S8420**

Additional Statements: **Pages S8370–72**

Amendments Submitted: **Pages S8420–54**

Notices of Hearings/Meetings: **Page S8454**

Authorities for Committees to Meet: **Page S8454**

Privileges of the Floor: **Page S8454**

Adjournment: Senate convened at 10:30 a.m. and adjourned at 7 p.m., until 9:30 a.m. on Friday, September 12, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8455.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following:

S. 390, to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, with an amendment in the nature of a substitute;

S. 1477, to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado, with an amendment in the nature of a substitute;

S. 1680, to provide for the inclusion of certain non-Federal land in the Izembek National Wildlife Refuge and the Alaska Peninsula National Wildlife Refuge in the State of Alaska, and for other purposes, with an amendment in the nature of a substitute;

S. 1756, to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, with an amendment in the nature of a substitute;

S. 1816, to authorize the Secretary of the Interior to establish a commemorative trail in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, with an amendment in the nature of a substitute;

S. 2093, 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 an amendment in the nature of a substitute;

S. 2156, to authorize and facilitate the improvement of water management by the Bureau of Reclamation, to require the Secretary of the Interior and the Secretary of Energy to increase the acquisition and analysis of water-related data to assess the long-term availability of water resources for irrigation, hydroelectric power, municipal, and environmental uses, with an amendment in the nature of a substitute;

S. 2255, to amend the National Trails System Act to provide for studies of the Chisholm Trail and Great Western Trail to determine whether to add the trails to the National Trails System, and for other purposes, with an amendment;

S. 2354, to direct the Secretary of the Interior to convey 4 parcels of land from the Bureau of Land Management to the city of Twin Falls, Idaho, with amendments;

S. 2359, to establish the St. Augustine 450th Commemoration Commission, with an amendment in the nature of a substitute;

S. 2448, to amend the Surface Mining Control and Reclamation Act of 1977 to make certain technical corrections;

S. 2535, to revise the boundary of the Martin Van Buren National Historic Site, and for other purposes, with amendments;

S. 2561, to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War;

S. 2779, to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects;

S. 2805, to direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to assess the irrigation infrastructure of the Rio Grande Pueblos in the State of New Mexico and provide grants to, and enter into cooperative agreements with, the Rio Grande Pueblos to repair, rehabilitate, or reconstruct existing infrastructure, with an amendment in the nature of a substitute;

S. 2842, to require the Secretary of the Interior to carry out annual inspections of canals, levees, tunnels, dikes, pumping plants, dams, and reservoirs under the jurisdiction of the Secretary, and for other purposes, with an amendment in the nature of a substitute;

S. 2875, to authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation, with an amendment in the nature of a substitute;

S. 2943, to amend the National Trails System Act to designate the Pacific Northwest National Scenic Trail, with amendments;

S. 2974, to provide for the construction of the Arkansas Valley Conduit in the State of Colorado, with an amendment in the nature of a substitute;

S. 3010, to reauthorize the Route 66 Corridor Preservation Program;

S. 3011, to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, with an amendment in the nature of a substitute;

S. 3017, to designate the Beaver Basin Wilderness at Pictured Rocks National Lakeshore in the State of Michigan, with an amendment in the nature of a substitute;

S. 3045, to establish the Kenai Mountains-Turnagain Arm National Forest Heritage Area in the State of Alaska, and for other purposes, with an amendment in the nature of a substitute;

S. 3051, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the site of the Battle of Camden in South Carolina, as a unit of the National Park System, with an amendment in the nature of a substitute;

S. 3065, to establish the Dominguez-Escalante National Conservation Area and the Dominguez Canyon Wilderness Area, with an amendment in the nature of a substitute;

S. 3069, to designate certain land as wilderness in the State of California, and for other purposes, with an amendment in the nature of a substitute;

S. 3085, to require the Secretary of the Interior to establish a cooperative watershed management program, with an amendment in the nature of a substitute;

S. 3088, to designate certain land in the State of Oregon as wilderness, and for other purposes, with an amendment in the nature of a substitute;

S. 3089, to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, with an amendment in the nature of a substitute;

S. 3096, to amend the National Cave and Karst Research Institute Act of 1998 to authorize appropriations for the National Cave and Karst Research Institute;

S. 3158, to extend the authority for the Cape Cod National Seashore Advisory Commission, with an amendment;

S. 3179, to authorize the conveyance of certain public land in the State of New Mexico owned or leased by the Department of Energy, with an amendment;

S. 3189, to amend Public Law 106–392 to require the Administrator of the Western Area Power Administration and the Commissioner of Reclamation to maintain sufficient revenues in the Upper Colorado River Basin Fund, with an amendment in the nature of a substitute;

S. 3226, to rename the Abraham Lincoln Birthplace National Historic Site in the State of Kentucky as the Abraham Lincoln Birthplace National Historical Park, with an amendment;

H.R. 29, to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes, with an amendment in the nature of a substitute;

H.R. 31, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects;

H.R. 236, to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration;

H.R. 813, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, with an amendment in the nature of a substitute;

H.R. 816, to provide for the release of certain land from the Sunrise Mountain Instant Study Area in the State of Nevada and to grant a right-of-way across the released land for the construction and maintenance of a flood control project, with amendments;

H.R. 838, to provide for the conveyance of the Bureau of Land Management parcels known as the White Acre and Gambel Oak properties and related real property to Park City, Utah, and for other purposes, with an amendment;

H.R. 903, to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, with an amendment in the nature of a substitute;

H.R. 1139, to authorize the Secretary of the Interior to plan, design and construct facilities to provide water for irrigation, municipal, domestic, and other uses from the Bunker Hill Groundwater Basin, Santa Ana River, California, with an amendment in the nature of a substitute;

H.R. 1737, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California;

H.R. 1803, to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority;

H.R. 2246, to provide for the release of any reversionary interest of the United States in and to certain lands in Reno, Nevada;

H.R. 2614, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in certain water projects in California;

H.R. 2632, to establish the Sabinoso Wilderness Area in San Miguel County, New Mexico, with an amendment in the nature of a substitute;

H.R. 3022, to designate the John Krebs Wilderness in the State of California, to add certain land to the Sequoia-Kings Canyon National Park Wilderness, with an amendment;

H.R. 3323, to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District;

H.R. 3473, to provide for a land exchange with the City of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in that national forest, with an amendment in the nature of a substitute;

H.R. 3490, to transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, with amendments;

H.R. 3682, to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, with amendments; and

H.R. 5137, to ensure that hunting remains a purpose of the New River Gorge National River.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Brian H. Hook, of Iowa, to be an Assistant Secretary of State (International Organization Affairs), who was introduced by Senator Grassley, 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, and to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador, who was introduced by former Senator Robb, and Matthew A. Reynolds, of Massachusetts, to be an Assistant Secretary of State (Legislative Affairs), who was introduced by Representative Dreier, after the nominees testified and answered questions in their own behalf.

DIVIDEND TAX ABUSE

Committee on Homeland Security and Governmental Affairs: Permanent Subcommittee on Investigations concluded a hearing to examine dividend tax abuse, focusing on ways that offshore entities avoid taxes on United States stock dividends, after receiving testimony from Douglas Shulman, Commissioner, Internal Revenue Service, Department of the Treasury; Reuven S. Avi-Yonah, University of Michigan Law School, Ann Arbor; Joseph Manogue, Maverick Capital, Limited, Dallas, Texas; and Gary I. Wolf, Angelo, Gordon, and Company, Richard Potapchuk, Highbridge Capital Management LLC, John Derosa, Lehman Brothers Inc., Matt Berke, Morgan Stanley, and Andrea Leung, Deutsche Bank AG, all of New York, New York.

NOMINATIONS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nominations of Carol Waller Pope, of the District of Columbia, who was introduced by Representative Norton, and Thomas M. Beck, of Virginia, both to be a Member of the Federal Labor Relations Authority, after the nominees testified and answered questions in their own behalf.

WATER BILLS

Committee on Indian Affairs: Committee concluded a hearing 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, after receiving testimony from Senators Kyl and Bingaman; Kris Polly, Deputy Assistant Secretary for Water and Science, and Michael Bogert, Chairman of the Working Group on Indian Water Settlements, both of the Department of the Interior; Chris D. Tweeten, Montana Office of the Attorney General, Helena; Ronnie Lupe, White Mountain Apache Tribe, Whiteriver, Arizona; John F. Sullivan, Salt River Project, Phoenix, Arizona; Cedric Black Eagle, Crow Nation, Crow Agency, Montana; Charles J. Dorame, Northern Pueblos Tributary Water Rights Association, Albuquerque, New Mexico; and Gilbert Suazo, Sr., Taos Pueblo, Taos, New Mexico.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following:

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, with an amendment;

S. 1276, to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, with an amendment;

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, with an amendment;

S. 3325, to enhance remedies for violations of intellectual property laws, with amendments;

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, with an amendment;

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, and J. Patrick Rowan, of Maryland, to be an Assistant Attorney General, both of the Department of Justice, and William B. Carr, Jr., of Pennsylvania, to be a Member of the United States Sentencing Commission.

BUSINESS START–UP HURDLES

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine business start-up hurdles in underserved communities, focusing on access to venture capital and entrepreneurship training, after receiving testimony from Marian Sabety, Wyndstorm Corporation, and Robert A. Rapoza, Robert A. Rapoza Associates, both of Washington, D.C.; Don T. O'Bannon, Dallas/Fort Worth International Airport Business Diversity and Development Department, DFW Airport, Texas, on behalf of the Airport Minority Advisory Council; Margaret Henningsen, Legacy Bank, Milwaukee, Wisconsin; Jon S. Wainwright, National Economic Research Associate, Austin, Texas; Thomas D. Boston, EuQuant, and Rodney K. Strong, Griffin and Strong, P.C., both of Atlanta, Georgia; and Donald T. Wilson, Association of Small Business Development Centers, Burke, Virginia.

AMERICAN LEGION

Committee on Veterans' Affairs: Committee concluded a joint hearing with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion, after receiving testimony from David K. Rehbein, American Legion, Washington, D.C.

MEDICARE BENEFICIARIES OUTREACH

Special Committee on Aging: Committee concluded a hearing to examine 1–800–MEDICARE Information (1–800-633–4227), after receiving testimony from Kerry Weems, Acting Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; Michealle Carpenter, Medicare Rights Center, Washington, D.C.; Tatiana Fassieux, California Health Advocates, Sacramento; John Hendrick, Coalition of Wisconsin Aging Groups, Madison; Mac Curtis, Vangent, Arlington, Virginia; and Naomi Sullivan, Chico, California.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced:— 19 public bills, H.R. 6869–6887; 1 private bill, H.R. 6888; and 9 resolutions, H. Con. Res. 410–412; and H. Res. 1425, 1427–1431 were introduced.

Pages H8048–49

Additional Cosponsors: **Pages H8049–50**

Reports Filed: Reports were filed today as follows:

H.R. 6357, to amend the Public Health Service Act to promote the adoption of health information technology, with an amendment (H. Rept. 110–837, Pt. 1);

H.R. 6177, to amend the Wild and Scenic Rivers Act to modify the boundary of the Rio Grande Wild and Scenic River, with an amendment (H. Rept. 110–838);

H.R. 5853, to expand the boundary of the Minute Man National Historical Park in the Commonwealth of Massachusetts to include Barrett's Farm (H. Rept. 110–839);

H.R. 5335, to amend the National Trails System Act to provide for the inclusion of new trail segments, land components, and campgrounds associated with the Trail of Tears National Historic Trail, with an amendment (H. Rept. 110–840);

H.R. 1847, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, with an amendment (H. Rept. 110–841); and

H.R. 6627, to authorize the Board of Regents of the Smithsonian Institution to carry out certain construction projects (H. Rept. 110–842, Pt. 1).

Page H8048

Speaker: Read a letter from the Speaker wherein she appointed Representative Tauscher to act as Speaker Pro Tempore for today. **Page H8021**

Journal: The House agreed to the Speaker's approval of the Journal by a recorded vote of 215 ayes to 190 noes with 1 voting "present", Roll No. 585.

Pages H8043–44

Recess: The House recessed at 11:29 a.m. and reconvened at 1:33 p.m. **Page H8025**

Committee Election: The House agreed to H. Res. 1426, electing the following Member to serve on the Committee on Standards of Official Conduct: Representative Scott (VA). **Page H8025**

Order of Procedure: The House agreed by unanimous consent that the motions to suspend the rules relating to the following measures be considered as adopted in the form considered by the House on Tuesday, September 9th:

Directing the Chief Administrative Officer of the House of Representatives to provide individuals whose pay is disbursed by the Chief Administrative Officer by electronic funds transfer with the option of receiving receipts of pay and withholdings electronically: H. Res. 1207, amended, to direct the Chief Administrative Officer of the House of Representatives to provide individuals whose pay is disbursed by the Chief Administrative Officer by electronic funds transfer with the option of receiving receipts of pay and withholdings electronically; **Page H8025**

Specialist Peter J. Navarro Post Office Building Designation Act: H.R. 6169, to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the "Specialist Peter J. Navarro Post Office Building"; **Page H8025**

Securities Act of 2008: H.R. 6513, amended, to amend the Federal securities laws to enhance the effectiveness of the Securities and Exchange Commission's enforcement, corporation finance, trading and markets, investment management, and examination programs; and **Page H8025**

Daniel Webster Congressional Clerkship Act of 2008: H.R. 6475, to establish the Daniel Webster Congressional Clerkship Program. **Pages H8038–39**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Expressing the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001: H. Res. 1420, to express the sense of the House of Representatives regarding the terrorist attacks launched against the United States on September 11, 2001, by a 2/3 yea-and-nay vote of 402 yeas with none voting "nay", Roll No. 586; and

Pages H8025–38, H8044–45

Agreed by unanimous consent that debate on the motion to suspend the rules and agree to H. Res. 1420 be extended by 20 minutes, equally divided and controlled. **Page H8030**

Amending the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance: Agreed to the Senate amendment to H.R. 6532, to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance, by a 2/3 yea-and-nay vote of 376 yeas to 29 nays, Roll No. 587—clearing the measure for the President. **Pages H8039–43, H8045**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, September 15th for morning hour debate.

Page H8038

Order of Procedure: The House agreed by unanimous consent that the ordering of the yeas and nays be vacated with respect to the motions to suspend the rules and pass the following bills to the end that the motions be considered as adopted in the form considered by the House on Tuesday, September 9th:

House Reservists Pay Adjustment Act of 2008: H.R. 6608, to provide for the replacement of lost income for employees of the House of Representatives who are members of a reserve component of the armed forces who are on active duty for a period of more than 30 days; and **Pages H8038–39**

Veterans' Programs Extension and Construction Authorization Act of 2008: H.R. 6832, to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009 and to extend certain authorities of the Secretary of Veterans Affairs. **Pages H8038–39**

Discharge Petition: Representative Cannon moved to discharge the Committee on Natural Resources and the Committee on Science and Technology from the consideration of H.R. 6211, to allow Americans the opportunity to see their vast oil shale and tar

sands resources on Federal lands developed by providing the President with the ability to determine the quickest and most responsible way to access oil shale resources (Discharge Petition No. 17).

Moment of Silence: The House observed a moment of silence in honor of the victims of the terrorist attacks on September 11, 2001. **Page H8044**

Discharge Petition: Representative Pearce moved to discharge the Committee on Armed Services from the consideration of H.R. 5868, to amend title 10, United States Code, to provide for the retention of members of the Armed Forces on active service or in an active status who would otherwise be retired or separated for a combat-related disability, but who are still medically able to perform noncombat-related military occupational specialties or duties (Discharge Petition No. 18).

Motion To Adjourn: Agreed to the Hoyer motion to adjourn by a yea-and-nay vote of 208 yeas to 190 nays, Roll No. 588. **Page H8046**

Presidential Message: Read a message from the President wherein he transmitted the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of India Concerning Peaceful Uses of Nuclear Energy—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 110–146).

Pages H8021–22

Quorum Calls—Votes: Three yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H8043–44, H8044, H8045, H8046. There were no quorum calls.

Adjournment: The House met at 11:00 a.m. and adjourned at 4:34 p.m.

Committee Meetings

AGRICULTURE/ENERGY COMMODITY MARKETS

Committee on Agriculture: Held a hearing to review dramatic movements in agriculture and energy commodity markets. Testimony was heard from Walter Lukken, Acting Chairman, CFTC.

STRENGTHENING COMMUNITIES

Committee on Education and Labor: Subcommittee on Healthy Families and Communities held a hearing on Examining the Role of Museums and Libraries in Strengthening Communities. Testimony was heard from Anne-Imelda M. Radice, Director, Institute of Museum and Library Services; and public witnesses.

TRAVEL PROMOTION ACT; CALL CENTER CONSUMER'S RIGHT TO KNOW ACT

Committee on Energy and Commerce: Subcommittee on Commerce Trade, and Consumer Protections in Tourism and Commerce held a hearing on 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. Testimony was heard from Lois Greisman, Associate Director, Division of Marketing Practices, Bureau of Consumer Protection; and public witnesses.

ELECTRIC GRID CYBER-SECURITY THREATS

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing entitled "Protecting the Electric Grid From Cyber-Security Threats." Testimony was heard from Representative Langevin; the following officials of the Department of Energy: Kevin M. Kolevar, Assistant Secretary, Office of Electricity Delivery and Energy Reliability; Joseph T. Kelliher, Chairman, FERC; and public witnesses.

FAIR COPYRIGHT IN RESEARCH WORKS ACT

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on H.R. 6945, Fair Copyright in Research Works Act. Testimony was heard from Zerhouni, M.D., Director, NIH, Department of Health and Human Services; and public witnesses.

JUVENILE JUSTICE ACCOUNTABILITY AND IMPROVEMENT ACT OF 2007

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on H.R. 4300, Juvenile Justice Accountability and Improvement Act of 2007. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on the following bills: H.R. 3114, National Womens'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. Testimony was heard from Representatives Dingell, Lewis of California; Slaughter, McKeon, Blumenauer and Jones; David N. Wenk, Deputy Director, National Park Service, Department of the Interior; Joel Holtrop, Deputy Chief, National Forest System, Forest Service, Department of Agriculture; and public witnesses.

HATCH ACT MODERNIZATION

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service and the District of Columbia held a 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. Testimony was heard from Representative Stupak; Neil A.G. McPhie, Chairman, Merit Systems Protection Board; Anthony Guglielmi, Director, Congressional and Public Affairs, Office of Special Counsel; Jack Maskell, Legislative Attorney, American Law Division, CRS, Library of Congress; and a public witness.

NEXT GENERATION TRANSPORTATION SYSTEM

Committee on Science and Technology: Held a hearing on the Next Generation Air Transportation System: Status and Issues. Testimony was heard from the following officials of the Department of Transportation: Victoria Cox, Senior Vice President, NextGen and Operations Planning, Air Traffic Operations, FAA; and Calvin L. Scovel, III, Inspector General; Gerald L. Dillingham, Director, Physical Infrastructure Issues, GAO; and public witnesses.

EXAMINING EXPIRING TAX INCENTIVES

Committee on Small Business: Held a hearing on Examining Expiring Tax Incentives and the Needs of Small Businesses. Testimony was heard from public witnesses.

GI BILL IMPLEMENTATION

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity held an oversight hearing of GI Bill Implementation. Testimony was heard from Keith Pedigo, Associate Deputy Under Secretary, Office of Policy and Program Management, Department of Veterans Affairs.

MEDICARE PHYSICIAN PAYMENT REFORM

Committee on Ways and Means: Subcommittee on Health held a hearing on reforming Medicare's physician payment system. Testimony was heard from public witnesses.

CHALLENGES FACING AMERICAN WORKERS

Committee on Ways and Means: Subcommittee on Income Security and Family Support held a hearing on Challenges Facing American Workers. Testimony was heard from public witnesses.

BRIEFING—HOT SPOTS; RUSSIA

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to receive a briefing on Hot Spots. The Subcommittee was briefed by departmental witnesses. Hearing on Russia, 11 a.m., H–405.

The Subcommittee also met in executive session to hold a hearing on Russia. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 12, 2008

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing on the Role of the Federal Government in Small Business Disaster Recovery, 10 a.m., 2167 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Friday, September 12

Senate Chamber

Program for Friday: Senate will continue consideration of S. 3001, National Defense Authorization Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, September 15

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

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