United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, WEDNESDAY, SEPTEMBER 17, 2008 No. 148

House of Representatives

The House met at 10 a.m.

Rev. Danny Davis, Mount Hermon Baptist Church, Danville, Virginia, offered the following prayer:

Loving God, You have shown us what is good, and that is ''to act justly, to love mercy, and to walk humbly with our God.''

Help us, Your servants, to do exactly that, to be instruments of both justice and mercy, exercising those virtues in humility. Your word requires it. Our Nation needs it.

Forgive us when we have failed to do that. For therein not only have we failed ourselves, we have failed You as well.

Today, fresh and anew, we ask that those twin rivers of justice and mercy might roll down from on high. Let them saturate this Chamber, permeating every mind, flooding every heart, cleansing every motive, and springing forth in every action. And then let them flow forth from this place, nourishing our land, refreshing its citizens, and bringing glory to the God who placed in us such a sacred trust.

In Jesus' name, amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Ms. RICHARDSON) come forward and lead the House in the Pledge of Allegiance.

Ms. RICHARDSON led the Pledge of Allegiance as follows:

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

WELCOMING REV. DANNY DAVIS

The SPEAKER. Without objection, the gentlewoman from Virginia (Mrs. DRAKE) is recognized for 1 minute.

There was no objection.

Mrs. DRAKE. Thank you, Madam Speaker.

I am proud to recognize and welcome Dr. Danny Davis, the senior pastor at Mount Hermon Baptist Church in Danville, Virginia. He is accompanied today by his wife of 30 years, Sandy.

Dr. Davis was born in Tennessee and grew up in Williamsburg, Kentucky. Having served in the ministry since 1985, he has pastored churches in Kentucky, North Carolina, Florida and Virginia. Not only does Dr. Davis have a heart for service in his local community but also for ministry through missions at home and abroad. He has been involved in multiple mission trips to Tanzania, Russia, Honduras, the Northern Cheyenne Reservation in Montana, the United Kingdom, Greece and even Communist Cuba.

Dr. Davis' only son, Jordan, has served as a member of my staff for the past 3 years. Jordan's hard work and dedication have helped me to better serve my constituents. I know I have Dr. Davis to thank for having instilled in his son the same values he displays in his ministry as well as the importance of service to others and his country.

I want to thank Dr. Davis for being here today and offering today's prayer and I wish him continued success in his ministry.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

REPUBLICANS TO BLAME FOR ENERGY CRISIS

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

Ms. RICHARDSON. Madam Speaker, 3 years ago, Republicans passed an energy plan that they said would lower prices at the pump, drive economic growth and job creation and promote energy independence. I ask you, America, did it work? The answer is no.

Now we look 3 years later and the price of gas has gone up 59 percent, the economy is tanking and we've lost 600,000 jobs this year alone. The Republicans are saying they know how to solve the problem. Well, they had control of Washington for 6 years and the results are clear—the mission is not accomplished and everyone is feeling the effect of their failure today.

Democrats have been working hard to reverse the Republican failed policies of the past. Yesterday we passed a comprehensive energy package that will lower prices at the pump, expand domestic drilling off the Outer Continental Shelf, expand renewable energy sources, end subsidies for Big Oil and create good-paying jobs for Americans here.

I would like to know why Republicans did not solve the energy crisis. Yesterday Democrats continued a new direction and took action to solve the energy crisis.

WELCOMING REV. DANNY DAVIS

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

Mr. GOODE. Mr. Speaker, I too want to say welcome to Dr. Danny Davis for delivering the opening prayer this morning. His son works in the office of Congresswoman THELMA DRAKE. But his church, Mount Hermon Baptist

Printed on recycled paper.

Church, is located in the Fifth District of Virginia. His predecessor, Dr. Don Davidson, in the last Congress delivered an opening prayer. And Mount Hermon Baptist Church served as the host church for the memorial services of my predecessor in Congress, the late Dan Daniel, 20 years ago.

In closing, Mr. Speaker, I would like to say that the measure passed yesterday for the Commonwealth of Virginia was a hoax and a sham. It provides no funds for the Commonwealth, for its offshore natural gas and its offshore crude oil. I have talked with members of the General Assembly. They will be very reluctant to adopt any drill policy when they are not treated the same as Texas, Louisiana, Mississippi and Alabama. We need to be fair to encourage drilling.

FLAGS OVER MANTECA, CALIFORNIA

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

Mr. MCNERNEY. Mr. Speaker, I rise today to commemorate the dedication of so many volunteers who eight times a year line the streets of Manteca, California, with 2,400 flags in a stunning display of patriotism. Flags Over Manteca began after September 11 to recognize those who lost their lives on that day and all Americans who have sacrificed in service to our country.

Each morning on days of remembrance during the year, volunteers and service groups place flags along eight miles of Manteca's main roads to celebrate our country's heroes. Coordinating it all is the Manteca Chamber of Commerce and volunteer Les Thomas who arrives early to ensure that everyone knows what to do. He is there at the end of the day to receive all 2,400 flags and carefully pack them away until the next holiday.

The event has become so meaningful that volunteers arrive at 4:30 in the morning to have the privilege of placing flags in honor of those who will not be forgotten.

Today I commend all those who make Flags Over Manteca work. I hope it continues to memorialize the sacrifices of our Nation's heroes.

A MISSED OPPORTUNITY

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

Mr. WITTMAN of Virginia. Mr. Speaker, yesterday we had a great opportunity to put forward a bipartisan approach to solve this Nation's energy problems. Unfortunately, we didn't do that. We had a bill that arrived at the last minute to us with very little time to look over and no attempt to make sure that it included the best ideas on how to solve this Nation's energy problems.

That opportunity was bypassed, and what we ended up with was a very narrowly banded bill that will not address this Nation's energy problems.

That is reprehensible. We need to make sure that we have that opportunity. We have a bill that passed out of here yesterday that has already been said by Democrats in the Senate that it's dead on arrival and that it's going to be vetoed by the President.

Why didn't this body take the opportunity to make sure that we adopted an energy policy that was going to be in the best long-term interest to this Nation, that had a chance of passing and that had a chance of making a difference in the gas prices of our men and women out there that their families have to deal with each and every day? That is reprehensible. We had a great opportunity yesterday that we missed, that we did not take advantage of, Mr. Speaker, and I tell you this Nation will suffer for it.

□ 1015

DEMOCRATS WANT TO JUMP START THIS ECONOMY BY PASSING A NEW ECONOMIC RECOVERY PLAN

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

Mr. BRALEY of Iowa. Mr. Speaker, the crisis on Wall Street impacts Americans across the country. In the coming days, House Democrats will continue our efforts to revive the economy and end the free for all on Wall Street and restore confidence on Main Street.

Democrats have restored the kind of oversight that was missing under President Bush and the Republican Congress. The GOP decision to turn a blind eye to financial markets helped pave the way for the financial crisis that has brought down home values across the country and has significantly weakened our economy. Democrats have and will continue to do things differently.

This month, Democrats will work to enact a second economic recovery package that will help Americans who have lost their jobs or who are barely making ends meet, and they will create good-paying jobs. That's what we need in our flood-ravaged communities in Iowa.

Mr. Speaker, these Bush-McCain economic policies have put America in an economic hole. This month, Republicans will again have a clear choice. Stand with the Bush-McCain plan for more of the same or take action to aid families who are struggling.

HOUSE CONCURRENT RESOLUTION 417

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

Mr. MCCOTTER. I've long thought that civics should be taught as earnestly as possible in our schools.

Yesterday, we saw the spectacle of a Democratic House sham energy bill being passed out of here and lauded as if the problem had been solved. The problem is no one had consulted with the Democratic Senate, which had declared it dead on arrival.

Now, for a bill to become law, it must pass both Chambers and be signed by the President of the United States. Only in that way can meaningful American energy security and independence be secured. That is why I have introduced House Concurrent Resolution 417 that says that it is the sense of this Congress that we will not adjourn until meaningful energy legislation has been passed into law to help the American people through this difficult time.

Now, again, I have to do this because there seem to be some who think that simply passing a sham energy bill for political cover out of this body is going to help any American struggling at the pump. It will not. Let them put your money where their mouth is and stay here until they get the job done.

IMMIGRATION REFORM

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

Mr. BACA. Mr. Speaker, I'm here on behalf of immigrant families who otherwise would not have a voice. There are those who insist that undocumented immigrants have broken the law, that they are criminals, but what image do you get when you hear that someone is a criminal? Your image is of a murderer, of a thief, of a drug dealer, of someone who intensely wants to hurt another person.

These families who are wrongly called ''criminals'' come to the United States without the intent to hurt anyone. Yet there are anti-immigrant attacks that continue to say otherwise. What happened to the Ten Commandments? to love thy neighbor?

There are those who say that these families should play by the rules. The rules now are to form a line and to wait many years and to pay a huge fine, but the reality is the immigration process is so complicated that some of us would have a difficult time getting through it. We need comprehensive immigration reform to address the 12 to 14 million people in the United States to play by the rules and to also fix this broken system.

I urge my colleagues to support comprehensive immigration.

UNFAIR AND UNBALANCED TRADE DEALS

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

Mr. KAGEN. Mr. Speaker, in Wisconsin and throughout the Nation,

manufacturing has been the backbone of our economy and of our communities, but during the past decade, we've seen many of our jobs being shipped overseas, not because we are not hardworking and not because we are not producing high-quality products but, rather, because of unfair and unbalanced trade deals.

The free enterprise system depends upon working Americans having a competitive workforce and productive employees. These are vital to the success of every business be it large or small.

Congress will soon vote on an economic stimulus package that contains $500 million for worker and job training assistance. Included in that legislation is a piece that I had the opportunity to write, entitled the ''Incumbent Worker Development Act.'' This legislation will guarantee that States and Federal Governments work together to train our workers.

This is not a time for ideology. This is a time for action, and I encourage all of us to vote for this stimulus package.

REPUBLICANS CLAIM THEY WANT ALL OF THE ABOVE BUT HAVE DONE NOTHING TO LOWER GAS PRICES

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

Mr. SIRES. Mr. Speaker, both Democrats and Republicans have been talking about high gas prices for months. At first, Republicans said we just needed to drill, drill, drill, but then they joined us in saying that a more comprehensive, all-of-the-above proposal was in order. It turns out it was just all talk.

Democrats have been trying to reverse the failed Bush policies of the past, but Republicans keep saying no. We proposed legislation to crack down on price gouging and to curb excess speculation. Republicans said no. We proposed lowering gas prices immediately by tapping the Strategic Petroleum Reserve. Republicans said no. We proposed legislation that would force Big Oil to drill on 68 million acres of land to increase oil production here at home. Republicans again said no.

Yesterday, we passed an all-of-the-above energy package to bring down prices and to invest in America's energy future, but again, Republicans voted no.

Mr. Speaker, it seems like Republicans don't actually want to resolve the crisis. They just want to talk about the crisis.

REPUBLICANS ARE STILL JUST TALKING

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

Mr. ALTMIRE. Mr. Speaker, for 6 years, the Republicans had control of Congress and of the White House, and for 6 years, the American people waited for them to do something to end our dependence on foreign oil, but despite their constant cry of ''drill, baby, drill,'' the Republicans didn't act on this issue when they had control, and 2 years ago, the American people voted for new leadership in Congress.

Well, yesterday, that new leadership—the Democrats in this House—answered the call by passing a landmark energy bill that triples the available territory for offshore drilling. Let me repeat that. The bill we passed yesterday triples the amount of territory in the Outer Continental Shelf that is available for drilling.

Predictably, many in the minority demonstrated by their votes that they're more interested in having a political issue for the coming election than they are in actually solving the problem. While Democrats have taken decisive action by passing a comprehensive energy bill that includes an unprecedented expansion of offshore drilling, Republicans, as you will hear today, are still just talking.

MCCAIN'S ASSESSMENT OF THE ECONOMY SHOWS THAT HE REALLY IS NOT AN EXPERT ON THE ECONOMY

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

Mr. COURTNEY. Mr. Speaker, in December, Senator MCCAIN admitted that he is not an economic expert when he stated ''The issue of economics is not something I've understood as well as I should.'' He went on to say, though, that he had Alan Greenspan's book. Well, clearly, Senator MCCAIN should listen to Greenspan, who called this week's financial news a once-in-a-century type of financial crisis. Unfortunately, Senator MCCAIN was not listening because his response to the catastrophic economic events of this week was ''the fundamentals of our economy are strong,'' and he called for the oldest, lamest Washington trick in the book—the creation of a study commission.

We don't need a commission to know that 600,000 Americans have lost their jobs in the last year, that the median income for working Americans has fallen over $2,000 a year over the last 8 years. Those are not strong fundamentals.

Mr. Speaker, at a time when every economic expert agrees that our economy is in crisis, we need someone in the White House who is ready and willing to act now to fix it, and clearly, that person is not Senator MCCAIN.

IT IS TIME FOR A CHANGE IN THE POLICIES OF THIS NATION

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

Mr. PERLMUTTER. Mr. Speaker, this country was really founded upon sacrifice, investment and opportunity for all, but over the last few years, we've seen the focus being on the wealthiest 1 percent in America to the exclusion of the rest of us, and that House of cards has come tumbling down on Wall Street over the last couple of weeks with the failures of the biggest corporations in America.

The policies of this administration not to regulate and the policies to only borrow and spend are causing this country turmoil, and the hardworking people in the middle are going to have to pick up the pieces. It is time for renewal. It is time for a change. The policies of the Democrats and of BARACK OBAMA are going to change the direction of this Nation and make it stronger and make it the Nation that it can be.

THE TROUBLED STATE OF THE AMERICAN ECONOMY

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

Mr. HALL of New York. Mr. Speaker, the last few days have clearly demonstrated that the troubled state that our economy is in is more serious than we thought. The Bush administration's mismanagement of the American economy has officially caused a housing crisis to snowball and jeopardize the entire economy.

Lehman Brothers and Merrill Lynch, established companies that survived the Great Depression, have declared bankruptcy or have been sold off to survive. Both companies employ thousands of people from my district, the 19th District of New York, and no one seems to know what will happen to these workers or to their families.

But it's not just Wall Street suffering. Wages have stagnated; expenses continue to rise. American families can no longer afford to buy necessities, much less to invest in the future.

Mr. Speaker, when President Bush took office 8 years ago, he inherited a flourishing economy and a record budget surplus. Now, as he leaves office 8 years later with 8 years of misrule and a lack of oversight, those days are clearly gone.

I hope we make the right choice for our next President and elect BARACK OBAMA, who will understand how to deal with the complexities of our economic situation.

PASSING A COMPREHENSIVE ENERGY BILL

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

Mr. WELCH of Vermont. Mr. Speaker, yesterday, the House of Representatives passed a comprehensive energy bill, regrettably with almost undivided Republican opposition. That was disappointing because we had a chance to

work together. In fact, this bill incorporated two things—one, a recognition that we need to continue getting the supply of oil to make it from here to there, but second, we needed a sustainable revenue source to invest in R&D and to invest in implementing alternative energy projects. The energy plan of the Republicans, cooked up by Vice President CHENEY in secret, has been very good for the American oil companies, not for the American consumers.

So far this year, oil companies in a down economy have raked in $44 billion in profits. That's seven times the amount of profits Big Oil brought in when President Bush was first sworn into office.

What has the energy plan done that the President pursues or that our colleagues on the other side pursue? $4 gasoline. It's costing $2,500 more to heat your homes.

Mr. President, it's time for us to work together and to get our colleagues in the Senate to pass that bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will address his remarks to the Chair.

NATIONAL CAPITAL SECURITY AND SAFETY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1434 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 6842.

□ 1028

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 6842) to require the District of Columbia to revise its laws regarding the use and possession of firearms as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller, in a manner that protects the security interests of the Federal government and the people who work in, reside in, or visit the District of Columbia and does not undermine the efforts of law enforcement, homeland security, and military officials to protect the Nation's capital from crime and terrorism, with Mr. ALTMIRE (Acting Chairman) in the chair.

The Clerk read the title of the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, first and foremost, I think it is imperative that we understand that the security and safety of our Nation's capitol should be of vital importance to all Americans, not simply the residents of the District of Columbia.

My dear colleague and District of Columbia Representative, Congresswoman ELEANOR HOLMES NORTON along with Congressman HENRY WAXMAN of California, drafted comprehensive and sensible firearm legislation which the Childers/Souder amendment not only eviscerates but allows residents and federal officials to places in immense danger.

CHILDERS/SOUDER AMENDMENT

The Childers/Souder Amendment in the Nature of a Substitute completely destroys the sensible Norton/Waxman Home Rule bill.

The dangerous consequences include:

No gun registration to let the police know who has guns and to trace guns used in crimes.

No regulation of guns, only a bare federal statute resulting in one of the most permissive gun laws in the Nation—post 9/11.

No age limit for possession of guns, including military-style weapons.

Permits a person who is voluntarily committed to a mental institution to own a gun the day after he gets out.

Federal law forbids a person to cross State lines to purchase a gun and bring it back, but this makes an exception uniquely for District residents to cross State lines to purchase guns and bring them back from Maryland and Virginia.

Requires a "gun show loophole," which avoids background checks in the nation's capital, i.e., District of Columbia residents can purchase weapons from private individuals and at gun shows without background checks.

DISTRICT OF COLUMBIA

The District of Columbia (the District) is a local self-governing jurisdiction and the seat of the United States Government, with unique Federal responsibilities. It is here that the President, the Vice President, and many cabinet and other Federal officials reside.

Unregulated firearms in the capital would preclude the ability of the District Metropolitan Police Department to track guns through registration and otherwise help ensure that guns do not endanger Federal officials and employees, visiting dignitaries, and other individuals.

REVISION OF DISTRICT OF COLUMBIA FIREARMS LAWS AND DISTRICT OF COLUMBIA V. HELLER

The revised firearm legislation requires the District within 6 months after enactment, to revise its laws governing the possession and use of firearms as necessary to comply with the decision of the Supreme Court in District of Columbia v. Heller. It also amends the Firearms Control Regulations Act of 1975 by adding a new section requiring the Mayor and the Council of the District to ensure that the District's firearms laws are consistent with Heller.

In Heller, the Supreme Court ruled in a 5–4 decision that the Second Amendment to the Constitution protects an individual's right to possess a firearm, irrespective of service in a militia, and to use that arm for traditionally lawful purposes such as self-defense within the home.

The decision in Heller affirmed the holding in Parker v. District of Columbia, wherein the Court of Appeals for the District of Columbia declared three provisions of the District's Firearms Control Regulation Act to be unconstitutional: D.C. Code §7–2502.02, which generally barred the registration of handguns; §22–4504, which prohibited carrying a pistol without a license, insofar as that provision would prevent a registrant from moving a gun from one room to another within his or her home; and §7–2507.02, which required that all lawfully owned firearms be kept unloaded and disassembled or bound by a trigger lock or similar device.

Addressing the holding in Parker, the Supreme Court noted that the District's approach "totally bans handgun possession in the home." The Court then declared that the inherent right of self-defense is central to the Second Amendment right, and that the District's handgun ban amounted to a prohibition of an entire class of arms that has been overwhelmingly utilized by American society for that purpose.

The Court also struck down as unconstitutional the requirement that any lawful firearm in the home be disassembled or bound by a trigger lock, as such a requirement "makes it impossible for citizens to use arms for the core lawful purpose of self-defense."

FIREARMS AND YOUTH

Right here in America according to the Harvard Injury Control Research Center, Harvard School of Public Health approximately 2,500 black youth (aged 15–24) die annually from gun homicide, 950 Hispanic youths and 600 white youth. For gun suicides, it's about 1,600 white youths annually, 300 black youths and 200 Hispanic youths.

Between 20 percent and 50 percent of children in the United States are touched by violence, either as victims or, even more commonly, as witnesses. And sadly for every child killed by a gun, four are injured according to the national estimates of nonfatal firearm-related injuries by the Journal of the American Medical Association.

TEXAS

In the U.S., the leading cause of death for African-Americans ages 15–24 and 25–34 is homicide, with the overwhelming majority (90 percent and 87 percent, respectively) committed with firearms. Homicide is the second leading cause of death for African-Americans ages 10–14, with firearm-related deaths accounting for 70 percent of these deaths.

Every day in Texas someone dies or is severely injured as a result of gun violence. Texans die from suicide, accidents, and crime. In 2004, 2,342 people died from firearm-related injuries in Texas. We hear about these deaths every day: depressed teenagers and spouses taking their own lives, children finding a loaded gun at a friend's house, gun related crime, etc. We hear about it so often; we have become numb to it and feel nothing can be done.

FIREARMS

While we speak of dignitaries, members of Congress, and the executive—the fact is that it is our children that are most at risk. We cannot allow a vague interpretation of the Second Amendment to put our children at risk and move guns on our streets.

It is our young African-American and Hispanic men who are frequently caught up in this system. Among youth ages 15–24, firearms rank as the leading cause of death for African-Americans and the second leading cause of death for whites and Hispanic youth. With over 5,049 federally licensed firearms dealers and pawnbrokers in Texas alone, how many more guns on our streets do we need?

CONCLUSION

Mr. Chairman I urge my colleagues to think about the safe of our children. Is there not already enough violence? For all the firearms in Afghanistan and Iraq is it helping them? Do more guns on our streets make them safer? I think we all know the answer is a resounding "no." I am not asking that we remove all firearms from the hands of every responsible and

law-abiding American, but I ask that we support sensible and comprehensive firearm legislation such as the Norton/Waxman approach.

The Acting CHAIRMAN. When the Committee of the Whole rose on Tuesday, September 16, 2008, a request for a recorded vote on the amendment printed in House Report 110–852 by the gentleman from Mississippi (Mr. CHILDERS) had been postponed.

AMENDMENT OFFERED BY MR. CHILDERS

Pursuant to clause 6 of rule XVIII, the unfinished business is the request for a recorded vote on the amendment printed in House Report 110–852 by the gentleman from Mississippi (Mr. CHILDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CHILDERS:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Second Amendment Enforcement Act''.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) As the Congress and the Supreme Court of the United States have recognized, the Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) The law-abiding citizens of the District of Columbia are deprived by local laws of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the United States for sporting use and for lawful defense of their persons, homes, businesses, and families.

(4) The District of Columbia has the highest per capita murder rate in the Nation, which may be attributed in part to local laws prohibiting possession of firearms by law-abiding persons who would otherwise be able to defend themselves and their loved ones in their own homes and businesses.

(5) The Federal Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act of 1986, and the Brady Handgun Violence Prevention Act of 1993, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws which only affect and disarm law-abiding citizens.

(6) Officials of the District of Columbia have indicated their intention to continue to unduly restrict lawful firearm possession and use by citizens of the District.

(7) Legislation is required to correct the District of Columbia's law in order to restore the fundamental rights of its citizens under the Second Amendment to the United States Constitution and thereby enhance public safety.

SEC. 3. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.

Section 4 of the Act entitled ''An Act to prohibit the killing of wild birds and wild animals in the District of Columbia'', approved June 30, 1906 (34 Stat. 809; sec. 1–303.43, D.C. Official Code) is amended by adding at the end the following: ''Nothing in this section or any other provision of law shall authorize, or shall be construed to permit, the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons not prohibited from possessing firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor subject to the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms. Nothing in the previous two sentences shall be construed to prohibit the District of Columbia from regulating or prohibiting the carrying of firearms by a person, either concealed or openly, other than at the person's dwelling place, place of business, or on other land possessed by the person.''.

SEC. 4. REPEAL D.C. SEMIAUTOMATIC BAN.

(a) IN GENERAL.—Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(10), D.C. Official Code) is amended to read as follows:

''(10) 'Machine gun' means any firearm which shoots, is designed to shoot, or readily restored to shoot automatically, more than 1 shot without manual reloading by a single function of the trigger, and includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.''.

(b) CONFORMING AMENDMENT TO PROVISIONS SETTING FORTH CRIMINAL PENALTIES.—Section 1(c) of the Act of July 8, 1932 (47 Stat. 651; sec. 22–4501(c), D.C. Official Code) is amended to read as follows:

''(c) 'Machine gun', as used in this Act, has the meaning given such term in section 101(10) of the Firearms Control Regulations Act of 1975.''.

SEC. 5. REPEAL REGISTRATION REQUIREMENT.

(a) REPEAL OF REQUIREMENT.—

(1) IN GENERAL.—Section 201(a) of the Firearms Control Regulations Act of 1975 (sec. 7–2502.01(a), D.C. Official Code) is amended by striking ''any firearm, unless'' and all that follows through paragraph (3) and inserting the following: ''any firearm described in subsection (c).''.

(2) DESCRIPTION OF FIREARMS REMAINING ILLEGAL.—Section 201 of such Act (sec. 7–2502.01, D.C. Official Code) is amended by adding at the end the following new subsection:

''(c) A firearm described in this subsection is any of the following:

''(1) A sawed-off shotgun.

''(2) A machine gun.

''(3) A short-barreled rifle.''.

(3) CONFORMING AMENDMENT.—The heading of section 201 of such Act (sec. 7–2502.01, D.C. Official Code) is amended by striking ''Registration requirements'' and inserting ''Firearm Possession''.

(b) CONFORMING AMENDMENTS TO FIREARMS CONTROL REGULATIONS ACT.—The Firearms Control Regulations Act of 1975 is amended as follows:

(1) Sections 202 through 211 (secs. 7–2502.02 through 7–2502.11, D.C. Official Code) are repealed.

(2) Section 101 (sec. 7–2501.01, D.C. Official Code) is amended by striking paragraph (13).

(3) Section 401 (sec. 7–2504.01, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''the District;'' and all that follows and inserting the following: ''the District, except that a person may engage in hand loading, reloading, or custom loading of ammunition for firearms lawfully possessed under this Act.''; and

(B) in subsection (b), by striking ''which are unregisterable under section 202'' and inserting ''which are prohibited under section 201''.

(4) Section 402 (sec. 7–2504.02, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''Any person eligible to register a firearm'' and all that follows through ''such business,'' and inserting the following: ''Any person not otherwise prohibited from possessing or receiving a firearm under Federal or District law, or from being licensed under section 923 of title 18, United States Code,''; and

(B) in subsection (b), by amending paragraph (1) to read as follows:

''(1) The applicant's name;''.

(5) Section 403(b) (sec. 7–2504.03(b), D.C. Official Code) is amended by striking ''registration certificate'' and inserting ''dealer's license''.

(6) Section 404(a)(3) (sec. 7–2504.04(a)(3)), D.C. Official Code) is amended—

(A) in subparagraph (B)(i), by striking ''registration certificate number (if any) of the firearm,'';

(B) in subparagraph (B)(iv), by striking ''holding the registration certificate'' and inserting ''from whom it was received for repair'';

(C) in subparagraph (C)(i), by striking ''and registration certificate number (if any) of the firearm'';

(D) in subparagraph (C)(ii), by striking ''registration certificate number or''; and

(E) by striking subparagraphs (D) and (E).

(7) Section 406(c) (sec. 7–2504.06(c), D.C. Official Code) is amended to read as follows:

''(c) Within 45 days of a decision becoming effective which is unfavorable to a licensee or to an applicant for a dealer's license, the licensee or application shall—

''(1) lawfully remove from the District all destructive devices in his inventory, or peaceably surrender to the Chief all destructive devices in his inventory in the manner provided in section 705; and

''(2) lawfully dispose, to himself or to another, any firearms and ammunition in his inventory.''.

(8) Section 407(b) (sec. 7–2504.07(b), D.C. Official Code) is amended by striking ''would not be eligible'' and all that follows and inserting ''is prohibited from possessing or receiving a firearm under Federal or District law.''.

(9) Section 502 (sec. 7–2505.02, D.C. Official Code) is amended—

(A) by amending subsection (a) to read as follows:

''(a) Any person or organization not prohibited from possessing or receiving a firearm under Federal or District law may sell or otherwise transfer ammunition or any firearm, except those which are prohibited under section 201, to a licensed dealer.'';

(B) by amending subsection (c) to read as follows:

''(c) Any licensed dealer may sell or otherwise transfer a firearm to any person or organization not otherwise prohibited from possessing or receiving such firearm under Federal or District law.'';

(C) in subsection (d), by striking paragraphs (2) and (3); and

(D) by striking subsection (e).

(10) Section 704 (sec. 7–2507.04, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''any registration certificate or'' and inserting ''a''; and

(B) in subsection (b), by striking ''registration certificate,''.

(c) OTHER CONFORMING AMENDMENTS.—Section 2(4) of the Illegal Firearm Sale and Distribution Strict Liability Act of 1992 (sec. 7–2531.01(2)(4), D.C. Official Code) is amended—

(1) in subparagraph (A), by striking ''or ignoring proof of the purchaser's residence in the District of Columbia''; and

(2) in subparagraph (B), by striking ''registration and''.

SEC. 6. REPEAL HANDGUN AMMUNITION BAN.

Section 601(3) of the Firearms Control Regulations Act of 1975 (sec. 7–2506.01(3), D.C. Official Code) is amended by striking ''is the holder of the valid registration certificate for'' and inserting ''owns''.

SEC. 7. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.

Section 702 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.02, D.C. Official Code) is repealed.

SEC. 8. REMOVE CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS.

(a) IN GENERAL.—Section 706 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.06, D.C. Official Code) is amended—

(1) by striking ''that:'' and all that follows through ''(1)A'' and inserting ''that a''; and

(2) by striking paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

SEC. 9. REMOVE CRIMINAL PENALTIES FOR CARRYING A FIREARM IN ONE'S DWELLING OR OTHER PREMISES.

(a) IN GENERAL.—Section 4(a) of the Act of July 8, 1932 (47 Stat. 651; sec. 22–4504(a), D.C. Official Code) is amended—

(1) in the matter before paragraph (1), by striking ''a pistol,'' and inserting the following: ''except in his dwelling house or place of business or on other land possessed by that person, whether loaded or unloaded, a firearm,''; and

(2) by striking ''except that:'' and all that follows through ''(2) If the violation'' and inserting ''except that if the violation''.

(b) CONFORMING AMENDMENT.—Section 5 of such Act (47 Stat. 651; sec. 22–4505, D.C. Official Code) is amended—

(1) by striking ''pistol'' each place it appears and inserting ''firearm''; and

(2) by striking ''pistols'' each place it appears and inserting ''firearms''.

SEC. 10. AUTHORIZING PURCHASES OF FIREARMS BY DISTRICT RESIDENTS.

Section 922 of title 18, United States Code, is amended in paragraph (b)(3) by inserting after ''other than a State in which the licensee's place of business is located'' the following: '', or to the sale or delivery of a handgun to a resident of the District of Columbia by a licensee whose place of business is located in Maryland or Virginia,''.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 260, noes 160, answered ''present'' 1, not voting 17, as follows:

[Roll No. 600]

AYES—260

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Cardoza
Carney
Carter
Cazayoux
Chabot
Chandler
Childers
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doolittle
Drake
Duncan
Edwards (TX)
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hobson
Hodes
Holden
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Keller
Kind
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nunes
Oberstar
Ortiz
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—160

Ackerman
Andrews
Baldwin
Bean
Becerra
Berkley
Berman
Blumenauer
Bordallo
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson
Castle
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Edwards (MD)
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gilchrest
Gonzalez
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hinojosa
Hirono
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kirk
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meeks (NY)
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler
Napolitano
Neal (MA)
Norton
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Price (NC)
Ramstad
Rangel
Richardson
Rothman
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Speier
Stark
Sutton
Tauscher
Thompson (MS)
Tierney
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Yarmuth

ANSWERED ''PRESENT''—1

Obey

NOT VOTING—17

Bachmann
Bishop (NY)
Brady (TX)
Cantor
Christensen
Cubin
Dreier
Ehlers
Fortuño
Hoekstra
Hulshof
Lampson
Larson (CT)
Neugebauer
Peterson (PA)
Pitts
Regula

□ 1058

Messrs. GEORGE MILLER of California, FILNER, RANGEL, COHEN, ACKERMAN, EMANUEL, SHAYS, RUSH, Ms. SOLIS, Mrs. NAPOLITANO, Ms. VELÁZQUEZ, Ms. McCOLLUM of Minnesota, Messrs. FATTAH, CONYERS, ROTHMAN, BECERRA and Ms. KAPTUR changed their vote from ''aye'' to ''no.''

Messrs. SMITH of Nebraska, COLE of Oklahoma, Ms. GINNY BROWN-WAITE of Florida, Messrs. KINGSTON, ABERCROMBIE, and Ms. PRYCE of Ohio changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mrs. BACHMANN. Mr. Chairman, today I was unexpectedly detained and unable to vote on the Childers Amendment in the Nature of a Substitute to H.R. 6842, the National Capital Security and Safety Act (Roll No. 600.) Had I been present I would have voted ''aye.''

Mrs. BLACKBURN. Mr. Chairman, I rise in support of H.R. 6842, The Second Amendment Enforcement Act. Earlier this year, the Supreme Court rightly overturned the unconstitutional gun ban enforced by the District of Columbia.

The Court recognized what Tennesseans have always known, that the second amendment applies to individuals, and that all law-abiding Americans have an inherent right to self-defense. The ruling was a victory for freedom and constitutional rights.

Sadly, the District of Columbia has chosen to turn a blind eye to the court and the constitution by re-legislating the gun ban piece by piece. DC has legislated that guns must be trigger locked or disassembled in the home, rendering it nearly impossible for law-abiding citizens from purchasing guns in the District.

When the court overturned the ban, I breathed a sigh of relief for the young women on my staff who are now able to appropriately defend themselves. Imagine my surprise when the District dictated that those same staffers store their guns in pieces or with trigger locks until an "immediate" threat presents itself. Have you ever heard of anything so ridiculous? When a threat is immediate, you don't have time to find a key or put together a gun!

I stand for the right of all Americans to defend themselves and in support of H.R. 6842, which will make the policy of the District of Columbia consistent with the ruling of the court and the clear intent of the Constitution.

Mr. UDALL of Colorado. Mr. Chairman, the Constitution gives Congress the ultimate legislative responsibility for the District of Columbia.

However, through enactment of the DC Home Rule Act Congress has authorized the residents of the District to elect a Mayor and City Council to be responsible for the day-to-day exercise of that authority.

I respect the intent of home rule because I think residents of Washington, DC—like residents of Colorado—should be able to govern themselves so far as consistent with the ability of the Federal Government to function.

And I think this principle of home rule for DC is made all the more important because the residents of the District are not fully represented here in Congress.

So, I have some hesitation supporting legislation that would in effect shape policies for the District of Columbia without the involvement of its elected officials.

However, I am supporting H.R. 6842 today because any flaws in its approach can be corrected as the legislative process continues and because I think it is needed in order to send a strong message to the District government to move promptly to revise its laws to reflect the recent decision of the Supreme Court in the case of DC v. Heller and thus to assure that the second amendment rights of the District's residents are not infringed.

That is the purpose of this legislation—one that I support, because complying with our oath to support and defend the Constitution is the first duty of all Members of Congress.

Mr. BLUMENAUER. Mr. Chairman, the Childers amendment to the National Capital Security and Safety Act is deeply flawed. We continue to treat the residents of the District of Columbia as members of a colony, hampering their ability to govern themselves. We ought not to have Congress be the State legislature or city council for 580,000 people.

For the tens of thousands of Oregonians who visit our Nation's capital each year, traveling with their children to experience America's history and culture, and as someone who lives in DC for 30 percent of the year and has worked with victims of gun violence, this legislation is neither comforting nor sound policy. The imposition on local government would throw out all locally approved gun safety measures, including handgun registration and the semiautomatic ban, and even go as far as removing all age restrictions on gun purchase, permitting a 6-year-old to purchase a deadly weapon.

It is best for Congress not to do the National Rifle Association's bidding, forcing DC to be their showcase for eliminating all boundaries of gun safety. I urge my colleagues to respect home rule and common sense.

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

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PASTOR) having assumed the chair, Mr. ALTMIRE, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6842) to require the District of Columbia to revise its laws regarding the use and possession of firearms as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller, in a manner that protects the security interests of the Federal Government and the people who work in, reside in, or visit the District of Columbia and does not undermine the efforts of law enforcement, homeland security, and military officials to protect the Nation's Capital from crime and terrorism, pursuant to House Resolution 1434, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

The question is on the amendment.

The amendment was agreed to.

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

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

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

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

RECORDED VOTE

Mr. SOUDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 266, noes 152, answered "present" 1, not voting 14, as follows:

[Roll No. 601]

AYES—266

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Cardoza
Carnahan
Carney
Carter
Cazayoux
Chabot
Chandler
Childers
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doolittle
Drake
Duncan
Edwards (TX)
Ellsworth
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hobson
Hodes
Holden
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Keller
Kind
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nunes
Oberstar
Ortiz
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (TX)
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—152

Ackerman
Andrews
Baldwin
Bean
Becerra
Berkley
Berman
Blumenauer
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carson
Castle
Castor
Clarke
Clay
Clyburn
Cohen
Conyers
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Edwards (MD)
Ellison
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Gilchrest
Gonzalez
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hinojosa
Hirono
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kirk
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack

Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meeks (NY)
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler
Napolitano
Neal (MA)
Olver
Pallone
Pascrell
Pastor
Payne
Perlmutter
Price (NC)
Ramstad
Rangel
Richardson
Rothman
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Speier
Stark
Sutton
Tauscher
Thompson (MS)
Tierney
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Yarmuth

ANSWERED ''PRESENT''—1

Obey

NOT VOTING—14

Bishop (NY)
Brady (TX)
Cantor
Cleaver
Cubin
Dreier
Ehlers
Hoekstra
Hulshof
King (IA)
Lampson
Neugebauer
Pitts
Regula

□ 1116

Mr. HARE changed his vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to restore Second Amendment rights in the District of Columbia.''.

A motion to reconsider was laid on the table.

Stated against:

Mr. SIRES. Mr. Speaker, when I voted on final passage of H.R. 6842, the Second Amendment Enforcement Act, I incorrectly voted aye. I meant to vote no on final passage of that bill.

Mr. ETHERIDGE. Mr. Chairman, Earlier today, the House took sequential votes on an amendment to and final passage of the National Capital Security and Safety Act, H.R. 6842. On roll number 601 when I cast my vote on final passage an ''aye'' vote was recorded when a ''no'' vote should have been recorded.

PERSONAL EXPLANATION

Mr. EHLERS. Mr. Speaker, (Mr. Chairman), on rollcall No. 600 and 601, I missed these votes due to illness (influenza). Had I been present, I would have voted ''aye'' on both.

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.

ADA AMENDMENTS ACT OF 2008

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3406) to restore the intent and protections of the Americans with Disabilities Act of 1990.

The Clerk read the title of the Senate bill.

The text of the Senate bill is 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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 20 minutes

The Chair recognizes the gentleman from California Mr. GEORGE MILLER).

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent for 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on S. 3406 into the RECORD.

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

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of final passage of S. 3406, the Americans with Disabilities Amendments Act of 2008.

Since 1990, the Americans with Disabilities Act has provided protection from discrimination for millions of productive, hardworking Americans so that they may fully participate in our Nation's schools, communities and workplace. Among other rights, the law guaranteed that workers with disabilities would be judged on their merits and not on an employer's prejudice.

But since the ADA's enactment, several Supreme Court rulings have dramatically reduced the number of individuals with disabilities who are protected from discrimination under the law. Workers like Carey McClure, an electrician with muscular dystrophy who testified before our committee in January, have not been hired or passed over for promotion by an employer regarding them as too disabled to do the job. Yet when these workers seek justice for this discrimination, the courts rule that they are not disabled enough to be protected by the Americans with Disabilities Act. This is a terrible catch-22 that Congress will change with the passage of this bill today.

S. 3406, like H.R. 3195 passed in June, remedies this catch-22 situation in several ways by reversing flawed court decisions to restore the original congressional intent of the Americans with Disabilities Act. Workers with disabilities who have been discriminated against will no longer be denied their civil rights as a result of these erroneous court decisions.

To do this, S. 3406 reestablishes the scope of protection of the Americans with Disabilities Act to be generous and inclusive. The bill restores the proper focus on whether discrimination occurred rather than on whether or not an individual's impairment qualifies as a disability.

S. 3406 ensures that individuals who reduce the impact of their impairments through means such as hearing aids, medications, or learned behavioral modifications will be considered in their unmitigated state.

For people with epilepsy, diabetes and other conditions who have successfully managed their disability, this means the end of the catch-22 situation that Carey McClure and so many others have encountered when attempting to seek justice.

For our returning war veterans with disabilities, S. 3406 will ensure that the transition to civilian life will not include another battle here at home, a battle against discrimination on the basis of disability.

And students with physical and mental impairments will have access to the accommodations and modifications they need to successfully pursue an education.

Much of the language contained in S. 3406 is identical to the House-passed H.R. 3195. This includes provisions concerning mitigating measures, episodic conditions, major life activities, treatment of claims under the ''regarded as'' prong, regulatory authority for the definition of disability, and the conforming amendments to section 504 of the Rehabilitation Act.

We expect the courts and agencies to apply this less demanding standard when interpreting ''substantially limits.'' S. 3406 directs the courts and the agencies to interpret the term consistent with the findings and purposes of the ADA Amendments Act.

We intend that the ADA Amendments Act will reduce the depth of analysis related to the severity of the limitation of the impairment and return the focus to where it should be: the question of whether or not discrimination, based upon the disability, actually occurred.

This legislation has broad support: Democrats and Republicans; employers, civil rights groups, and advocates for individuals with disabilities. I'm pleased that we were able to work together to get to this point.

In particular, I'd like to thank the members of the Employer and Disability Alliance, including the Leadership Conference on Civil Rights, the Epilepsy Foundation, the American Association of People with Disabilities, the U.S. Chamber of Commerce, the National Association of Manufacturers, and the Society for Human Resource Management for all of their hard work and long hours of negotiations with each other and with our staff.

Of course, much credit is due to Majority Leader STENY HOYER and Congressman JIM SENSENBRENNER for their leadership and tenacity in the House; and Senator HARKIN, Senator KENNEDY, Senator HATCH for their skill in moving this legislation through the Senate with unanimous support.

It is time to restore the original intent of the ADA and ensure that the tens of millions of Americans with disabilities who want to work, attend school, and fully participate in our communities will have the chance to do so.

I look forward to the passage of this legislation and encourage my colleagues to support it.

I reserve the balance of my time.

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

I am pleased to rise in support of ADA Amendments Act of 2008, a bill we first approved earlier this year. The bill we passed was the product of good-faith negotiation and careful compromise, and I appreciate that the framework of our bill has been maintained.

At the same time, our counterparts on the other side of the Capitol were able to further refine and improve the legislation. Thanks to that effort, the bill before us today represents an important step forward for Americans with disabilities and the employers that benefit from their many contributions.

The Americans with Disabilities Act was enacted in 1990 with broad bipartisan support. Among the bill's most important purposes was to protect individuals with disabilities from discrimination in the workplace.

By many measures, the law has been a huge success. I firmly believe that the employer community has taken the ADA to heart, with businesses adopting policies specifically aimed at providing meaningful opportunities to individuals with disabilities.

However, despite the law's many success stories, it is clear today that for some, the ADA is failing to live up to its promise.

In the years since its enactment, court cases and legal interpretations have left some individuals outside the scope of the act's protections. Some individuals the law was clearly intended to protect have been deemed ''not disabled enough,'' an interpretation we all agree needs correcting.

In response, however, proposals were put forward to massively expand the law's protections to cover virtually all Americans. This is an equally dangerous proposition.

Our task with this legislation was to focus relief where it is needed, while still maintaining the delicate balance embodied in the original ADA.

In the months since this bill was first introduced and moved through the House, I am pleased to say that we were able to do exactly that.

Mr. Speaker, this is a good bill, and the time to enact it is now. It ensures that meaningful relief will be extended to those most in need, while the ADA's careful balance is maintained as fully as possible.

Once again, I want to thank my colleagues on both sides of the aisle for honoring our shared commitment to work together on this issue that has the potential to touch the lives of millions of Americans.

I would especially like to recognize Majority Leader HOYER, Representative SENSENBRENNER, and Chairman MILLER for their leadership and commitment to enactment of these important bipartisan reforms. I also want to thank the many stakeholders, especially the ones that Chairman MILLER mentioned in his remarks, who were involved in this process for their efforts.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER), a member of the Judiciary Committee, which also had jurisdiction over this legislation and was very helpful in its passage.

Mr. NADLER. I thank the gentleman.

I thank the distinguished majority leader and the gentleman from Wisconsin (Mr. SENSENBRENNER). Under their leadership, the House passed the ADA Amendments Act in June by an overwhelming vote of 402–17.

The Senate, under the leadership of Senators HARKIN and HATCH, has taken up our bipartisan call to restore the promise of the ADA and has passed a nearly identical bill, S. 3406.

Like the House bill, S. 3406 overturns Supreme Court decisions that have narrowed the scope of protection under the ADA. These decisions have created a catch-22, in which an individual who is able to lessen the adverse impact of an impairment by use of a mitigating measure like medicine or a hearing aid can be fired from a job or otherwise face discrimination on the basis of that impairment and yet not be considered sufficiently disabled to be protected by the ADA. Congress never intended such an absurd result.

Like the House bill, S. 3406 cures this problem by prohibiting courts from considering ''mitigating measures''—things like medicine, prosthetic devices, hearing aids, or the body's own compensation and ability to adapt—when determining whether an individual is disabled. On this important point, S. 3406 retains the exact same language as H.R. 3195.

S. 3406 also retains the House language on the treatment of episodic conditions, major life activities, claims brought under the ''regarded as'' prong of the definition, regulatory authority, and conforming the definition contained in section 504 of the Rehabilitation Act so that entities covered by the ADA and Rehabilitation Act operate under a consistent standard.

While the approach taken in the two bills is somewhat different, congressional intent and the result achieved by both bills is the same.

Both bills make clear that the courts and Federal agencies have set the standard for qualifying as disabled under the ADA too high. Both bills reject court and agency interpretation of the term ''substantially limits'' as ''preventing'' or ''significantly restricting'' the ability to perform a major life activity. Both bills require the courts and Federal agencies to set a less demanding standard by interpreting the term ''substantially limits'' more generously to ensure broad coverage for the wide range of individuals with disabilities.

For that reason, I support and urge all of you to join me in supporting S. 3406. These changes are long overdue. Countless Americans with disabilities have already been deprived of the opportunity to prove that they have been victims of discrimination, that they are qualified for a job, or that a reasonable accommodation would afford them an opportunity to participate fully at work and in community life.

It is our sincere hope that, with less fighting over who is or is not disabled, we will finally be able to focus on the important questions: Is an individual qualified? And might a reasonable accommodation afford that person the same opportunities that his or her neighbors enjoy? Our Nation simply cannot afford to squander the talents and contributions of our people based on antiquated misconceptions about people with disabilities.

I urge my colleagues to join me in voting for passage of S. 3406 and restoring the ADA to its rightful place among this Nation's great civil rights laws.

I thank the gentleman again.

Mr. Speaker, I rise in support of S. 3406, the ''ADA Amendments Act of 2008.''

I thank the distinguished Majority Leader, the gentleman from Maryland, and the gentleman from Wisconsin, Mr. SENSENBRENNER. Under their leadership, the House passed the ADA Amendments Act (H.R. 3195) in June by an overwhelming vote of 402–17.

The Senate, under the leadership of Senators HARKIN and HATCH, has taken up our bipartisan call to restore the promise of the ADA and has passed a nearly identical bill, S. 3406.

Like the House bill, S. 3406 overturns Supreme Court decisions that have narrowed the scope of protection under the ADA. These decisions have created a Catch-22, in which an individual who is able to lessen the adverse impact of an impairment by use of a mitigating measure like medicine or a hearing aid can be fired from a job or otherwise face discrimination on the basis of that impairment and yet not be considered sufficiently disabled to be protected by the ADA. Congress never intended such an absurd result.

Like the House bill, S. 3406 cures this problem by prohibiting courts from considering ''mitigating measures''—things like medicine, prosthetic devices, hearings aids, or the body's own compensation and ability to adapt—when determining whether an individual is disabled. On this important point, S. 3406 retains the exact same language as H.R. 3195.

S. 3406 also retains the House language on the treatment of episodic conditions, major life activities, claims brought under the ''regarded as'' prong of the definition, regulatory authority, and conforming the definition contained in Section 504 of the Rehabilitation Act so that entities covered by the ADA and Rehabilitation Act operate under a consistent standard.

Over the past two Congresses, the Subcommittee on the Constitution, Civil Rights, and Civil Liberties of the Committee on the Judiciary has studied these issues extensively, holding multiple hearings and meetings with stakeholders in the disability and business communities. Our colleagues in the House Committee on Education and Labor have done the same. The findings and insights that we presented in the committee reports accompanying H.R. 3195 reflect our understanding and intent regarding the language shared by H.R. 3195 and S. 3406 and should guide courts and Federal agencies when interpreting and applying these aspects of the amended definition of disability.

While the language of the House and Senate bills is identical in most respects, the bills differ in how they address the term ''substantially limits'' in the ADA's definition of disability. But while the approach taken in the bills is different, congressional intent and the result achieved by both bills is the same.

Both bills make clear that the courts and Federal agencies have set the standard for qualifying as disabled under the ADA too high. Both bills reject court and agency interpretation of the term ''substantially limits'' as ''preventing'' or ''significantly restricting'' the ability to perform a major life activity. Both bills require the courts and federal agencies to set a less demanding standard by interpreting the term ''substantially limits'' more generously to ensure broad coverage for the wide range of individuals with disabilities.

In H.R. 3195, we achieved these goals by redefining the term ''substantially limits'' to mean ''materially restricts.'' Thus, to show a ''substantial''—meaning ''material'' rather than ''significant'' limitation—an individual need show only an important or noticeable limit on the ability to perform a major life activity. This is not an onerous burden.

As explained in the Senate statement of managers, they chose an alternate route to achieve the same result. Rather than redefining the term ''substantially limits,'' the Senate left this language intact but, through findings and purposes and a statutory rule of construction, rejected court and agency interpretation of this term as meaning ''prevents'' or ''significantly restricts.'' Like our bill, S. 3406 directs the courts and Federal agencies to set a lower standard that provides broad coverage. As explained in the Senate Statement of Managers, their bill—like ours—ensures that the burden of showing that an impairment limits one's ability to perform common activities is not onerous.

Thus, while the approach taken is different, the intent—and the standard established by both bills—is identical. As such, the guidance provided in House reports regarding application of this less burdensome standard for showing a ''substantial'' limitation remains valid and relevant, with the exception of our use of a ''spectrum'' of severity to describe a relative level of limitation. With regard to the ''spectrum,'' we accept concerns expressed by Senator KENNEDY that this could be construed as keeping the standard inappropriately high, and reject the usefulness of this approach.

Like H.R. 3195, the lower standard demanded by S. 3406 will provide broad coverage, consistent with how courts had approached cases under the Rehabilitation Act prior to enactment of the ADA, where individuals with a wide range of physical and mental impairments such as epilepsy, diabetes, multiple sclerosis and intellectual and developmental disabilities qualified for protection, even where a mitigating measure might lessen the impact of their impairment. In most of these cases, defendants and the courts simply accepted that a plaintiff was a member of the protected class and moved on to the merits of the case. Congress expected and intended the same thing when it passed the ADA in 1990, and we are again attempting to make this crystal clear. As stated in S. 3406, the focus should be on whether discrimination has occurred and ''the question of whether an individual's impairment is a disability under the ADA should not demand extensive analysis.''

Under the lower standard for qualifying as disabled, for example, an individual who is disqualified from his or her job of choice because of an impairment should be considered substantially limited in the major life activity of working. Previously, in providing guidance on what the term ''substantially limits'' means with respect to the major life activity of working, the Equal Employment Opportunity Commission indicated that ''the inability to perform a single, particular job'' was not a ''substantial'' (i.e.,

''significant'') enough limitation. S. 3406 states that interpreting ''substantial'' to require a ''significant'' limitation sets too high a standard and that we expect the EEOC to redefine this portion of its regulations. Naturally, this change will require reconsideration of the meaning of ''substantial'' limitation in the major life activity of working, as well as other major life activities.

The courts and Federal agencies also will be called upon to interpret our changes to the third, ''regarded as'' prong of the definition. These changes are identical in S. 3406 and H.R. 3195. As we made clear in our committee reports, an individual meets the requirement of being ''regarded as having such an impairment'' if the individual shows that a prohibited action was taken based on an actual or perceived impairment, regardless of whether this impairment limits (or is perceived to limit) performance of a major life activity. Thus, an individual with an actual or perceived impairment who is disqualified from a job, program, or service and who alleges that the disqualification was based on the actual or perceived impairment is a member of the protected class and then entitled to prove that the adverse action violated the ADA.

In clarifying the scope of protection under the third, ''regarded as'' prong of the definition, we also clarified that reasonable accommodation need not be provided for those individuals who qualify for coverage only because they have been ''regarded as'' disabled. We, and the Senate, expressed our confidence that individuals who need accommodations will receive them because, with reduction in the burden of showing a ''substantial limitation,'' those individuals also qualify for coverage under prongs 1 or 2 (where accommodation still is required). Of course, our clarification here does not shield qualification standards, tests, or other selection criteria from challenge by an individual who is disqualified based on such standard, test, or criteria. As is currently required under the ADA, any standard, test, or other selection criteria that results in disqualification of an individual because of an impairment can be challenged by that individual and must be shown to be job-related and consistent with business necessity or necessary for the program or service in question.

The changes made by S. 3406 are long overdue. Countless Americans with disabilities have already been deprived of the opportunity to prove that they have been victims of discrimination, that they are qualified for a job, or that a reasonable accommodation would afford them an opportunity to participate fully at work and in community life.

Like our bill, S. 3406 ensures that individuals like Mary Ann Pimental—a mother and nurse who died from breast cancer a few months after the courts told her that her cancer was too temporary and short-lived to qualify her for protection from job discrimination under the ADA—are covered by the law when they need it. S. 3406 also ensures vital protections for our returning veterans. Thousands of our brave men and women in uniform are returning home with serious injuries, including the loss of limbs, head trauma, and a variety of other life-altering injuries. These veterans have faced great risk and sacrificed much in service of their country and should return home knowing that they are protected from discrimination.

It is our sincere hope that, with less battling over who is or is not disabled, we will finally be able to focus on the important questions—is an individual qualified? And might a reasonable accommodation afford that person the same opportunities that his or her neighbors enjoy? Our Nation simply cannot afford to squander the talents and contributions of our people based on antiquated misconceptions about people with disabilities.

I urge my colleagues to join me in voting for passage of S. 3406 and restoring the ADA to its rightful place among this Nation's great civil rights laws.

Mr. MCKEON. Mr. Speaker, at this time I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), who has done so much to bring this bill to this point.

Mr. SENSENBRENNER. Mr. Speaker, in 1990, a bipartisan Congress took significant steps to break down the physical and societal barriers that for far too long kept disabled Americans from fully participating in the American Dream. Today, the House takes the final step towards righting the wrongs that courts have made in their interpretation of this landmark law.

□ 1130

It has been a long road to finally reach this point.

As chairman of the House Judiciary Committee last Congress, I first introduced this bill with House Majority Leader STENY HOYER. Although the Judiciary Committee held a hearing on the bill in 2006, it was too late in the legislative session to move it but that bill marked our intent and promise to tackle the issue in the 110th Congress.

Last year on the ADA's anniversary, Leader HOYER and I introduced the bill again. The purpose of this legislation is to resolve the intent of Congress to cover a broad group of individuals with disabilities under the ADA and to eliminate the problem of courts focusing too heavily on whether individuals are covered by the law rather than on whether discrimination occurred. We worked with advocates from the disability community and business interests over the past year to craft a balanced bill with bipartisan support.

President Ronald Reagan once said, ''There is no limit to what you want to accomplish if you don't care who gets the credit.'' That statement rings true about negotiations with this bill. Interest groups that did not see eye-to-eye at the outset worked diligently over many months. After intense discussions, they came to a compromise that both sides could support.

The bill we pass today will restore the full meaning of equal protection under the law and all of the promises that our Nation has to offer. As Members are well aware by now, the Supreme Court has slowly chipped away at the broad protections of the ADA and has created a new set of barriers for disabled Americans. The Court's rulings currently exclude millions of disabled Americans from the ADA's protection—the very citizens that Congress expressly sought to include within the scope of the Act in 1990.

The impact of these decisions is such that disabled Americans can be discriminated against by their employer because of their conditions but are not considered disabled enough by our Federal courts to invoke the protections of the ADA. This is unacceptable. Today's vote will enable disabled Americans utilizing the ADA to focus on the discrimination that they have experienced rather than having to first prove that they fall within the scope of the ADA's protection.

Finally, I would like to pay tribute to my wife, Cheryl. As the chairman of the board of the American Association of People With Disabilities, she has been dogged in her advocacy of this legislation and has presented real life situations on why this bill ought to pass. Without her efforts, a lot of the progress that has been made would not have occurred, and I salute her for that.

The ADA has been one of the most effective civil rights laws passed by Congress. I encourage my colleagues to vote in favor of the ADA Amendments Act.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. SENSENBRENNER. I am out of time.

Mr. GEORGE MILLER of California. I will yield you 30 seconds.

If I might, I just want to recognize the tenacity of Mr. SENSENBRENNER in pushing for this legislation, and I wanted to do it while he was in the well and also to recognize the contribution of your wife, Cheryl, who has talked to all of us about this and has been so determined that this bill pass in this Congress. I think without that energy, I'm not sure we would have gotten here today. But certainly what you and Mr. HOYER have done in the House has been absolutely outstanding, and I want you to know how much I appreciate Cheryl's involvement, also.

Mr. SENSENBRENNER. I thank the gentleman for yielding, and the gentleman is absolutely right.

Mr. GEORGE MILLER of California. I yield to the gentleman from California (Mr. STARK) for the purposes of engaging in a colloquy.

Mr. STARK. I thank the gentleman for yielding.

I am pleased that this bill, S. 3406, will sustain the rights and remedies available to individuals with disabilities, including individuals with learning disabilities just as in the measure passed by the House, H.R. 3195.

Would the Chairman agree that the measure before us rejects the assumption that an individual who has performed well academically cannot be substantially limited in activities such as learning reading, writing, thinking, or speaking?

Mr. GEORGE MILLER of California. Yes, I would.

As chairman of the Education and Labor Committee, I agree that both H.R. 3195 and S. 3406 reject the holding that academic success is inconsistent

with the finding that an individual is substantially limited in such major life activities. As such, we reject the findings in Price v. National Board of Medical Examiners, Gonzalez v. National Board of Medical Examiners, and Wong v. Regents of University of California.

Mr. STARK. I thank the Chairman.

Specific learning disabilities, such as dyslexia, are neurologically based impairments that substantially limit the way these individuals perform major life activities, like reading or learning, or the time it takes to perform such activities often referred to as the condition, manner, or duration.

This legislation will reestablish coverage for these individuals by ensuring that the definition of this ability is broadly construed and the determination does not consider the use of mitigating measures.

Given this, would the chairman agree that these amendments support the finding in Bartlett v. New York State Board of Law Examiners in which the court held that in determining whether the plaintiff was substantially limited with respect to reading, Bartlett's ability to ''self-accommodate'' should not be taken into consideration when determining whether she was protected by the ADA?

Mr. GEORGE MILLER of California. Yes, I would.

As we stated in the committee report on H.R. 3195, the committee supports the finding in Bartlett. Our report explains 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 informal or undocumented accommodations that have the effect of lessening the deleterious impacts of their disability.''

Mr. STARK. I want to thank the chairman. It is indeed our full intention to ensure that the civil rights law retains its focus on protecting individuals with disabilities and not the interests of entities that may need to address their practices in accordance with the ADA.

I look forward to working with the chairman to continue to protect individuals with specific learning disabilities to ensure that unnecessary barriers are not being erected in their path.

I want to thank the chairman, the distinguished ranking member, our colleague from Wisconsin, and the majority leader for their work on this landmark legislation.

Mr. GEORGE MILLER of California. I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I am happy to yield now 3 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. I thank the gentleman.

Mr. MILLER, thank you for the good work on this. I'm planning, as many of us are, to be highly supportive of it.

I just want to bring to the attention of the Chamber an article that was in USA Today, September 4. We're talking about disabilities here and the disabilities act, and also remind people, as a teacher of government and history of 4 years, the process of how a bill becomes a law.

We had a vote last night that passed a bill. It has not yet become law. In essence, we still have done nothing to ease the energy crisis, and this article highlights ''Gas Prices Confine Sick People.'' Some have to cut back on traveling, treatment, such as dialysis or chemotherapy. The picture here is a visit to a Lou Gehrig's, ALS, clinic; and one of the quotes is saying, ''People are going to depend on us more because their friends and families can't afford to transport them in their cars.''

When we've been fighting so hard for an energy policy and energy debate, many times I would come to the floor to say energy is a variable in everything that we do in our society. It's a variable in the cost of doing the job here as we use power to generate electricity, air-conditioning, and, of course, communications. It's a part of the educational environment as we find schools having to adjust transportation schedules on diesel fuel. It is a critical portion of how we can meet the needs of the disabled.

And one of the places they point out here is in Sacramento, the disabled individuals can't get services because they can't afford to drive to reach the services. Again, this is not me. This is USA Today on 4 September. Pretty big article.

We have to move a bill that the President will sign. We have to have a comprehensive policy that brings in all the above. I personally like coal. I personally like renewable fuels. I personally like nuclear power. I personally like oil shale, and I like oil sands. I like wind. I like solar.

If we do not have a comprehensive energy policy that helps stabilize and bring costs down, we can pass all the pieces of legislation we want to in the world but the disabled are still going to be harmed, especially in areas that I represent, which is rural southern Illinois, where to get a job, get health care, you have to drive a long distance.

Mr. GEORGE MILLER of California. I yield myself 30 seconds to say I think the House addressed many of the concerns, Mr. SHIMKUS, yesterday in the legislation, the comprehensive energy legislation that we passed that deals with the issues of lowering costs to consumers and taxpayers and increasing the energy resources of the United States.

I would also say if we don't pass this piece of legislation, they won't have any jobs to drive to because they continue to get discriminated against.

With that, I would like to yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

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

Mr. ANDREWS. Mr. Speaker, I rise in strong support of this legislation. I would like to add my voice in congratulations to Mr. HOYER, Mr. SENSENBRENNER, Chairman MILLER, and Mr. MCKEON for their outstanding cooperation in this regard.

Today is Constitution Day. Over 200 years ago, the Constitution of our country was ratified. As majestic a document as it is, it has been an imperfect delivery and realization of that document because, over time, people have been left out of its benefits and privileges. Throughout our history, people with a disability have been among those left out of the many privileges of governments and economy in our country.

In 1990, the Congress, under the first President Bush, took a major step forward in remedying that injustice and discrimination. But sadly, since 1990, erroneous court decisions have stripped persons with a disability of the rights that they thought they had under that 1990 law.

Today we are working together to remedy that problem and fix it. This is a victory for common sense and for merit over ignorance and obliviousness. More importantly, it's a victory for human beings who will be very profoundly helped by this law.

There was a man who got a job with a major retail corporation in this country, and he's diabetic. When he first started work, his supervisor understood that for this worker to be productive, he needed a special lunch break in the middle of his work day so he could deal with his blood sugar needs and stay healthy and be productive.

So the man gets a new supervisor. The new supervisor comes in and doesn't understand that need, doesn't permit the lunch break, and the man's unable to do his work. So he files suit under the Americans with Disabilities Act, and the court says he doesn't win the case because he's not disabled. Diabetes is not enough of a disability to remedy this person's concern.

Now that's just wrong. And the other body understands it, both parties in this body understand it, the American people understand it.

What we have done in this Act is to restore the commonsense, meaningful definition of what ''disability'' means, not so that people with disabilities get special privileges, but so they get the same rights and opportunities that everybody else is guaranteed in this country under the law.

Again, I congratulate Mr. HOYER and Mr. SENSENBRENNER, in particular, for working together and bringing together a broad coalition behind this bill. And on this Constitution Day, the House will set a mark in history and continue the progress so that people who work with a disability can achieve and thrive and succeed in our country and in our economy.

I would urge both Republicans and Democrats to vote ''yes'' on this very substantial piece of legislation.

Mr. MCKEON. Mr. Speaker, I reserve my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I now yield 3 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

□ 1145

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of S. 3406, the Senate-approved ADA Amendments Act of 2008. Passage of this bill will clear the way for the President's signature and finally renew our promise to the American people that discrimination in any form will never be tolerated.

I would like to thank my good friend, Majority Leader STENY HOYER, who has been a real leader and champion on behalf of the disabilities community. I would also like to express my appreciation to Chairman MILLER for his continued leadership on this critical issue, as well as Congressman JIM SENSENBRENNER. This has truly been a bipartisan effort.

The ADA was groundbreaking civil rights legislation. And as someone who has lived with the challenges of a disability both before and after the ADA's enactment in 1990, I have experienced firsthand the profound changes that this law has effected within our society.

The bill before us today reaffirms the protections of the ADA and upholds the ideals of equality and opportunity on which this country was founded. In July, we celebrated the 18th anniversary of the ADA. It was a day to reflect on our past accomplishments, our current challenges, and future opportunities. I can think of no better way to honor the spirit of this landmark bill and the spirit of all those who fought for its passage than by passing the ADA Amendments Act and restoring Congress' intent to ensure the ADA's broad protections.

Mr. Speaker, people with disabilities represent a tremendously valuable, and yet in many ways untapped, resource in this country. By fostering an environment of inclusion and empowerment, we can provide the means for every individual to fulfill his or her God-given potential.

The ADA Amendments Act will help us realize this important goal. I strongly urge my colleagues to support the passage of this bill and send it to the President for his signature. Again, I thank all those who were part of making this day possible, particularly, again, our majority leader, STENY HOYER, for his great leadership.

Mr. MCKEON. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from California has 11 minutes. The gentleman from California has 3½ minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Maryland, the majority leader, Mr. HOYER. And as he's taking the well, I just wanted to again acknowledge what all of our colleagues have acknowledged and so many people in the disabilities community have acknowledged and known for a long time, his champion of this act. And he has done it year after year after year. He has tended to it, he has watched after it, he has argued about it, and he has encouraged many of us to get involved in these amendments. And these are crucial amendments so that the original intent and the purpose and the opportunities provided by this act are realized. He and Mr. SENSENBRENNER did a magnificent job of shepherding this.

Many people don't know this who haven't been involved, but the negotiations around this legislation were sort of 24–7 for the last year, with a very diverse group of people, all of whom wanted to see the act amended and improved, and finally came together under the leadership of Mr. HOYER. And that's why we're here today. And that's why the Senate and the House are going to pass this and we're going to have a ceremony with the President signing these amendments. Thank you very much.

Mr. HOYER. I thank the chairman for his remarks. And I thank Mr. MCKEON for his leadership and willingness to work together on a difficult issue.

I certainly want to acknowledge and thank my friend JIM SENSENBRENNER, Congressman SENSENBRENNER, who has been chairman of the committee, the Judiciary Committee, who has been a leader in this Congress, and his wife, Cheryl. Cheryl, like the young man we just saw speak, Congressman JIM LANGEVIN, has shown great courage, but also has shown that disability is not disabling; that we ought to look at the ability people have, what they can do, not what they can't do. All of us can't do certain things. I urge people to look at what people can do. And that's what this bill was about in 1990. That's what this bill is about today.

And I am very pleased to be here to speak on behalf of this bill. I think this bill may well pass unanimously, and the public might conclude, therefore, that this was not contentious and difficult, it was both—not contentious in terms of enabling those with disabilities to be fully included in our society, but how to do that; how to do that in the context of making sure that the business community could live with this, that the disabilities community could live with this, and that we did, in fact, accomplish the objectives that we intended.

I want to thank as well the Chamber of Commerce, the National Association of Manufacturers and other business groups who came together with the disabilities community with a common objective. Randy Johnson worked on behalf of the Chamber of Commerce. And Randy Johnson, at a press conference that was held when the Senate passed this bill just a few days ago, said that he was a staffer here in 1988 and '89 and '90 when we passed the Americans with Disabilities Act. And he made the observation that—he sat on the floor, he worked with the leadership on the Republican side and the Democratic side, worked particularly with my friend, Steve Bartlett, Congressman Steve Bartlett from Texas, who was intimately involved in fashioning and working out the compromises necessary to overwhelmingly pass the ADA in 1990. And he said it was clear then that the intent of Congress had been misconstrued by the Supreme Court—this is Randy Johnson, Republican staffer, leader now in the Chamber of Commerce of the United States who helped fashion this bill. And this bill really says, yes, we agree with that in a bipartisan way. The Supreme Court misinterpreted what our intent was. And our intent was to be inclusive.

Civil rights bills are intended to be interpreted broadly. Why? Because we want to make sure that every American has the benefits that America has to offer, the opportunities that America has to offer, and to empower them to help America be a better country, to bring their talents and their skills and their motivation to bear in the public and private sectors.

I want to thank as well Nancy Zirkin, Andy Imperato, my—as I call him my lawyer, Chai Feldblum, who has worked so hard on this for now 20-plus years. It's been 18 years since we passed the ADA, but as Mr. MILLER knows, it's been 20-plus years—25 years really—that we've been working on getting to this point.

I also want to thank Mike Peterson of H.R. Policy and Jerry Gillespie of the National Association of Manufacturers.

There are so many people that I could spend the next 5 or 10 minutes mentioning just name after name after name who made this happen. I won't do that, not to diminish them in any way, but to say that this is the result of the efforts of many—not of me, but of many; not of Mr. MILLER alone or the ranking member alone or Mr. SENSENBRENNER, but many dedicated to this cause.

We are here to build on the accomplishments of the landmark Disabilities Act of 1990. We wouldn't be here at all, however, without the hard work, frankly, of a very close friend of mine, former Member of Congress, Tony Coelho. Tony Coelho had a vision. Tony Coelho suffers from epilepsy. There is nobody who knows Tony Coelho that thinks he is not able to do anything, everything, and all things. Tony Coelho empowered all of us to think larger, to understand how to bring about real change for those with disabilities.

Tony Coelho, an epileptic, was asked to leave the seminary because he had epilepsy because the church concluded he really couldn't do the job. It was the church's loss and our gain. He made a tremendous contribution to this institution. But much more importantly, in

the last some 20 years that he has not been a Member of this institution he continued to make an extraordinary contribution, not just to those with disabilities, but to our society, in expanding our consciousness and inclusion.

And I mention his name, but I also want to thank my friend, Steve Bartlett. Steve Bartlett, Congressman, then the Mayor of Dallas, now in the private sector, but engaged in the eighties and nineties and engaged in the passage of this bill today, was extraordinarily helpful to us. In 1990, the original ADA was the product of the vision of so many.

I also want to thank my former staffer, Melissa Schulman, who worked indefatigably as we passed the ADA in 1990.

When the first President Bush signed the Americans with Disabilities Act 18 years ago, America became the world's leader on this central test of human rights. The ADA was a project in keeping with our oldest principles and founding ideals. As President Bush the first, as I call him, put it at the signing ceremony, and I quote, ''Today's legislation,'' he said, ''brings us closer to that day when no Americans will ever again be deprived of their basic guarantee of life, liberty and the pursuit of happiness.''

Thanks to the ADA, that day became closer on July 26, 1990. Thanks to the passage of this bill today and the signatures Mr. MILLER indicated next week, and the expected signatures of the President, with hopefully the first President Bush present, tens of millions of Americans with disabilities will now enjoy even fuller rights, and the rights that we intended them to enjoy when we passed the ADA—the right to use the same streets, theaters, restrooms or offices, the right to prove themselves in the workplace, to succeed on their talent and drive alone.

We've accomplished much in terms of public accommodations, in terms of reasonable accommodations. I was sitting there with Michele Stockwell, my policy director, as we watched JIM LANGEVIN give his speech. What a wonderful accommodation he has in that chair that stands up. Weren't all of you impressed when he said, ''I rise to support this legislation?'' ''I rise.'' And he does rise. Why? Because he has a reasonable accommodation which, notwithstanding the failure of his legs to work the way he would like them to work, his chair reasonably accommodates and has him rise to speak to this body as a testimony to the consciousness of having been raised to make sure that a person like JIM LANGEVIN—of great ability, of great ability, not disability, but of great ability—can come here, having been shot at the age of 16 inadvertently, by accident, disabled, graduated from high school, graduated from college, elected to the Rhode Island House, elected to Secretary of State of his State, and now a Member of this body. What a testimony to making sure that we made sure JIM LANGEVIN could get through the door; we made sure JIM LANGEVIN could get the kind of education he wanted and have access to that education. What a testimony to what this Congress has done, but more importantly, what so many courageous people with a disability have shown us all, that a disability is not disabling. It may rob us of a single or maybe even multiple ways that some people do things, but not of all things.

Sadly, as a result of the Supreme Court's decision, we have yet to live up to our promise fully. That's what we're trying to do today. We've made progress on access, we've made progress on listening devices, a lot of progress. One of the places we haven't made the progress we wanted to was employment. So many people want to work, want to be self-sufficient, want to be enterprising, want to have the self-respect of earning their own way, but have been shut out. And the Supreme Court didn't help us. That's what this bill is about.

Over the last 18 years, the Court has chipped away at that promise and at Congress' clear original intent. We said we wanted broad coverage for people with disabilities and people regarded as disabled. Important phrase, ''regarded as disabled.'' What the Supreme Court really said, well, if you can make sure that your disability does not disable you. Tony Coelho takes medicine for his epilepsy, and so he functions. And if you saw him, you would say he's functioning fine. But if I said, but I won't hire you, Tony, because you have epilepsy, the Court said that was okay. Nobody on this floor believed that was the case. If he was discriminated against because he had a disability but could do the job, we said that's wrong. The Court did not agree with us, and we're now changing that and making sure that our intent will be lived out.

We never expected that the people with disabilities who work to mitigate their conditions would have their efforts held against them, but the courts did exactly that. Those narrow rulings, which will be changed by this legislation, have closed the door of opportunity for millions of Americans. We're here today to bring those millions of our fellow citizens back to where they belong—where we want them, where we need them, under the protection of the ADA.

By voting for final passage of the ADA Amendment Act, we ensure that the definition of disability will henceforth be construed broadly and fairly. We make it clear that those who manage to mitigate their disabilities can still be subject to discrimination; we know that intuitively and practically. This legislation says we know it legislatively. And we recognize that those regarded as having a disability are equally at risk and deserve to be equally protected.

□ 1200

This bill, which was approved by the Senate last week unanimously, has come so close to a signature thanks to the tireless work of the members of the disability community, leaders from both parties and business groups, a coalition as broad and deep as the one that created the original ADA.

I want to recognize the cosponsor of this bill, as I said earlier, JIM SENSENBRENNER, tireless in his advocacy, and his wife, Cheryl. I want to thank my good friend Tony Coelho. As I said at a press conference last week, I have served in the Congress for 28 years. There will be a time when I will retire. And I will look back on my career. And one of the proudest achievements I will have is the work that I have done at Tony's insistence and request on behalf of the Americans with Disabilities Act and those who are challenged by being shut out of our society.

Finally, it is my honor to dedicate this bill to a pioneering disability advocate and an inspiration behind the ADA. He is listening to us. He died some years ago. His name was Justin Dart. Justin Dart, like JIM LANGEVIN, was in a wheelchair. It didn't disable him. Indeed, it empowered him. It empowered him to educate all of us. It empowered him to educate those with disabilities as to what they could do and accomplish by their efforts to join together, to educate us and to educate the country. His bride, Yoshiko Dart, carries on that torch.

When Justin Dart spoke last that I heard him at the White House, he said I may not be with you for a long time. But I want you to keep on keeping on. Justin, that is what we do today.

Mr. MCKEON. Mr. Speaker, I yield myself the balance of the time.

I commend the leader for his eloquence and for the great work that he has done on this bill; likewise Mr. SENSENBRENNER, Mr. MILLER, Mr. LANGEVIN, and all those who have worked so hard for bringing forth this bill and for bringing it to this point.

Back in June, I had the privilege to join advocates for Americans with disabilities and many of the Congressional leaders who made that bill possible at a rally in support of this bill. At that time, we made it clear that we needed to get a bill to the President for his signature this year. This is a bill that cannot wait another year. That is why I'm so pleased to be standing here preparing to give final approval to this important legislation.

Once again I want to recognize Chairman MILLER, the leaders of the Judiciary, Transportation and Infrastructure, Energy and Commerce Committees and the members of leadership on both sides of the aisle for shepherding this bill through the process and insisting on an open, inclusive process. This bill is better for it. I also want to recognize the members of my staff who worked hard on this legislation, Jim Paretti, Ken Serafin and Ed Gilroy from my staff helped to make this bill

a reality. This is a bill that fulfills our goal of providing strong, balanced and workable protections to ensure that individuals with disabilities can participate more fully in the workforce and in our society.

Mr. Speaker, there are some other comments I would like to make at this time. I think this bill has been a marvelous example of how Congress can work together. It's one that we've worked on now for a number of years. In the last Congress, Chairman SENSENBRENNER introduced this bill. It was introduced in many committees. Many hearings were held. Markups were held. It carried over into this Congress. Under a change of leadership it moved forward. Again, hearings were held. Markups were held. It was passed through the body here in the House. It went to the other side. The other body took this bill up, passed it through regular order and improved the bill. And we find it now back before us in the concluding weeks of this Congress. All of us have worked together to make it a good product that will help the individuals with disabilities that it's meant to help. And I think it makes me proud to be a part of this body to have been able to participate in this process.

Last night we participated in a process that made me not so proud of this body. I understand political process. I understand that we have an election coming up. And I understand that there are times when politics rises above policy. But it still disappointed me to see a bill presented Monday night, no bipartisanship, no hearings, no regular process. Right up here above us it says, ''Let us develop the resources of our land, call forth its powers, build up its institutions.'' It's a direction that we're supposed to be operating under.

This bill was brought up Monday night to address a very, very important issue in our country. We are dependent upon other countries for resources to run our energy, to run this country. It puts us in a very difficult position. It's an issue that is equally as important I think as this bill that we are working on here right now. If it had been addressed in the same way, if we had been able to work together the way we've worked on this bill, I think the country would have been much better served. As it is, we are left with a political statement, a bill that everybody in this body knows is going nowhere, that will do nothing to actually solve the problem of energy, something that will be pushed into the next Congress. Hopefully at that point we can sit down and as adults, as Americans, as leaders that have been elected by the people we serve to come here and work through a good process to really solve a problem that is very, very important to our constituents and to our Nation and to our growth in a time of very serious issues confronting our country. It's my hope that we will be able to do that. I'm saddened by what happened yesterday. But as I said, I understand the process. I understand we're facing an election.

Having said that, seeing this body work at its best and I think at very, very far from its best, I do urge passage of the ADA Amendments Act.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman is recognized for 1½ minutes.

Mr. GEORGE MILLER of California. I fully understand the deep disappointment on behalf of the Republican Members, not all, but those who did not vote for the legislation last night to create a comprehensive energy policy for the future of this Nation. They were intent upon killing it. They fell short. They fell short because it was a bipartisan bill. A number of their Members crossed the aisle to vote for the legislation because they recognize this was about taking us to a new energy future, a future that no longer continued year after year after year, as we have under Republican control, increased dependence upon international oil from nations that are hostile to us in so many ways, of nations who inflate our economy in so many ways.

This legislation will make available billions of barrels of oil that is from the Minerals Management leasing, the administration of oil on the Outer Continental Shelf, more billions of barrels of oil in Alaska, in the National Petroleum Reserve that holds probably more oil than the OCS, that can be opened under legislation. And the royalties that are due this Nation will be put into a trust fund to create the research and the development of renewable and alternative energy resources that are so important if in fact we are going to break our dependence on foreign oil and on fossil fuels as a bedrock of the energy policy of this Nation. It is also going to stop the royalty holidays that oil companies who are making the largest record earnings in history are doing.

With that, I would like to return to the matter at hand and to thank the ranking member from across the aisle, Mr. MCKEON, for all his work. I want to thank again Mr. HOYER and Mr. SENSENBRENNER. I certainly want to thank the staffs of this committee, on our side Sharon Lewis who demonstrated great leadership on this issue, Jody Calemine, Brian Kennedy, Chris Brown, our intern Tom Webb; on their side Jim Paretti, Ed Gilroy and Ken Sarafin; and Mr. HOYER's staff, Michelle Stockwell and Keith Aboshar; and on the Judiciary staff Heather Sawyer and David Lockman. And I failed to mention the Bazelon Center and the Human Resources Policy Association.

Mr. HOYER. Madam Speaker, Mr. SENSENBRENNER and I submit the following regarding S. 3406:

For over a decade, courts have narrowed the scope of the ADA and have thereby excluded many individuals whom Congress intended to cover under the law. The unfortunate impact of too narrow an interpretation has been to erode the promise of the ADA.

With the passage of the ADA Amendments Act (ADAAA) today, we ensure that the ADA's promise for people with disabilities will be finally fulfilled. Our expectation is that this law will afford people with disabilities the freedom to participate in our community, free from discrimination and its segregating effects, that we sought to achieve with the original ADA.

The House of Representatives passed the ADA Amendments Act, H.R. 3195, on June 25, 2008, by an overwhelming vote of 402–17. The purpose of this legislation was to restore the intent of Congress to cover a broad group of individuals with disabilities under the ADA and to eliminate the problem of courts focusing too heavily on whether individuals were covered by the law rather than on whether discrimination occurred.

That commitment has now been echoed by passage in the Senate of the ADA Amendments Act, S. 3406, by unanimous consent. We welcome the opportunity to pass today the version of the ADA Amendments Act passed by the Senate, here in the chamber where it began its journey on July 26th, 2007.

We are particularly pleased with the alliance of business and disability representatives who came together to work with us on this bill and support its passage throughout both houses of Congress. Last January, we personally encouraged these groups to work together to reach an agreement that would work well for both people with disabilities and for entities covered under the law. We are pleased that they have been able to do so throughout this bill's legislative process.

H.R. 3195, the ADA Amendments Act passed by the House, and S. 3406, the ADA Amendments Act passed by the Senate, are identical in most important respects.

Both H.R. 3195 and S. 3406 contain identical language concerning mitigating measures, episodic conditions, major life activities including major bodily functions, treatment of claims under the ''regarded as'' prong, ensuring regulatory authority over the definition of disability, and conforming Section 504 of the Rehabilitation Act to be consistent with the changes made by the ADAAA.

Hence, the Report of the House Committee on Education and Labor and the Report of the House Committee on the Judiciary, as well as our Joint Statement introduced into the CONGRESSIONAL RECORD on June 25, 2008, continue to accurately convey our intent with regard to the bill we are passing today.

While the intent is the same, as discussed more fully below, S. 3406 takes a slightly different approach than H.R. 3195. Consequently, we want to make it clear that where the House Committee Reports and our joint statement used the term ''materially restricts'' to establish points in various examples, those examples should be read to convey the same points, and the term ''materially restricts'' should be understood to refer to the less demanding standard for the term ''substantially limits'' prescribed by both H.R. 3195 and S. 3406. For example, the statement in the House Education and Labor Report that ''the Committee expects that a plaintiff such as Littleton could provide evidence of material restriction in the major life activities of thinking, learning, communicating and interacting with others'' should be understood to mean that the Committee expects that a plaintiff such as Littleton could provide evidence of substantial limitation in thinking, communicating and interacting with others. (See *Littleton* v. *Wal-Mart Stores, Inc.,* 231 Fed. Appx. 874 (11th Cir. 2007)).

The key difference between the two bills is that S. 3406 uses a different means to achieve

the same goal that we achieved with H.R. 3195. As we explain below, we are comfortable accepting this approach.

In H.R. 3195, we achieved this goal by redefining the term ''substantially limits'' to mean ''materially restricts'' in order to indicate to the courts that they had incorrectly interpreted the term ''substantially limits'' in Toyota Motor Mfg. of Kentucky, Inc. v. Williams, and to convey to the courts our expectation that they would apply a less demanding standard of severity than had been applied by the Supreme Court.

Our colleagues in the Senate, however, were uncomfortable with creating a new term in the statute. Hence, they achieved the same goal through a different means.

Instead of redefining the term ''substantially limits,'' S. 3406 states that such term ''shall be interpreted consistently with the findings and purposes'' of the ADA Amendments Act. This is a textual provision that will legally guide the agencies and courts in properly interpreting the term ''substantially limits.'' With regard to the findings and purposes that the textual provision requires the agencies and court to use, S. 3406 incorporates all of the findings and purposes of H.R. 3195, including statements that Congress intended for the ADA to provide broad coverage and that this legislation rejects the Supreme Court's decisions in Sutton and Williams that inappropriately narrowed the scope of protection of the ADA.

In order to explain how it intended the definition of ''substantially limits'' to be interpreted, the Senate added findings which highlighted the fact that the Williams decision placed a too high threshold on the definition of substantially limits and that the EEOC's interpretative regulations were similarly drafted or interpreted to create a burden not contemplated by the Congress. Consistent with these findings, the Senate added two purposes which directed the EEOC to amend its regulations to reflect the purposes of the ADA as amended by the ADAAA and which noted that the thrust of ADA inquiry should be directed to the compliance obligations of the covered entities rather than the scope of the disability experienced by the individual asserting coverage under the Act.

While we believe that the approach we adopted in H.R. 3195 would have been workable for the courts—i.e., providing a new definition of ''substantially limits'' in order to convey to courts our intention that they should apply a lower standard of severity than they previously had—we accept the considered judgment of our colleagues in the Senate that their approach achieves the same end, but in a manner more suitable to their interests.

S. 3406 also modifies the rule of construction that we had placed in H.R. 3195. Under the Senate's construction, 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.'' We understand that this provision will have the same meaning as the rule of construction that we had included in H.R. 3195, but with a clarification that the courts may not interpret the definition of disability in a manner inconsistent with the terms of the ADA. That, of course, is true.

In addition, the changes made by S. 3406 will send an important signal to the courts. We expect that courts interpreting the ADA after these amendments are enacted will not demand such an extensive analysis over whether a person's physical or mental impairment constitutes a disability. Our goal throughout this process has been to simplify that analysis.

With the passage of the ADA Amendments Act today, we finally fulfill our promise to tear down the barriers of ignorance and misinterpretation that make up an unpardonable ''wall of exclusion'' against people with disabilities. See George H. W. Bush, Remarks on Signing the Americans with Disabilities Act of 1990 (July 26, 1990).

We are grateful to the individuals and advocates who have worked tirelessly to ensure the civil rights and inclusion of people with disabilities in every aspect of life. This includes work during various stages of the bill to bring it to a successful conclusion.

A large group of individuals worked closely with us as we developed the second ADA Restoration Act that was introduced on July 26, 2007:

Tony Coelho, Immediate Past Board Chair of the Epilepsy Foundation and Former U.S. Representative; Cheryl Sensenbrenner, Board Chair of the American Association of People with Disabilities (AAPD); Andy Imparato, AAPD; Sandy Finucane, Epilepsy Foundation and her lawyers at the Georgetown Federal Legislation and Administrative Clinic: Heather Sawyer, Kevin Barry and Chai Feldblum; Jennifer Mathis, Bazelon Center for Mental Health Law; Abby Bownas and Shereen Arent, American Diabetes Association (ADA); Curt Decker and Ken Shiotani, National Disability Rights Network (NDRN); Arlene Mayerson and Marilyn Golden, Disability Rights Education and Defense Fund (DREDF); Claudia Center, Legal Aid Society of CA; Janna Starr, Paul Marchand and Erika Hagensen of The Arc/UCP Public Policy Collaboration; Denise Rozell, Easter Seals; Lee Page, Paralyzed Veterans Association; Bobby Silverstein, Center for the Study and Advancement of Disability Policy, and John Lancaster, National Council on Independent Living (NCIL).

In January 2008, we urged representatives from both communities to sit down with each other and to understand each other's needs and concerns. We appreciate the leadership role displayed in these conversations by the following individuals on behalf of the disability community: Sandy Finucane, Epilepsy Foundation; Professor Chai Feldblum, Georgetown Law; Andy Imparato, AAPD; Jennifer Mathis, Bazelon Center for Mental Health Law; Curt Decker, NDRN; John Lancaster, NCIL.

We appreciate the leadership role displayed in these conversations by the following individuals on behalf of the business community: Randy Johnson and Michael Eastman, U.S. Chamber of Commerce; Mike Peterson, HR Policy Association; Jeri Gillespie, National Association of Manufacturers; Mike Aitken and Mike Layman, Society for Human Resource Management.

We appreciate the intensive work done by the core legal team in these discussions, led by Professor Chai Feldblum and Jennifer Mathis for the disability negotiators, ably assisted by Kevin Barry, Jim Flug, John Muller and Emily Benfer, and led by Mike Eastman, Lawrence Lorber, Proskauer Rose, LLP, and Mike Peterson. We know that this group greatly appreciated the wise counsel of lawyers from each of their respective communities as they went through this process, including Camille A. Olson, Seyfarth Shaw; HR Policy Association's Employment Rights Committee, chaired by Susan Lueger of Northwestern Mutual; Kevin McGuiness; and David Fram, who provided wise counsel for the business community and Professor Sam Bagenstos; Brian East, Advocacy, Inc.; Claudia Center, Legal Aid of CA; Shereen Arent, ADA, Arlene Mayerson, DREDF and JoAnne Simon, who provided wise counsel for the disability community.

We benefited greatly from the fact that former colleagues in both Congress and the Administration lent their support to this effort, including former U.S. Representative Steve Bartlett, former U.S. Representative Tony Coelho, former Senator Robert Dole, and former Attorney General Richard Thornburgh.

We appreciate the personal leadership role taken by Nancy Zirkin and Lisa Bornstein of the Leadership Conference in Civil Rights in making this a priority for the civil rights community.

Finally, at the risk of leaving out some individuals, we want to recognize some of the additional countless individuals who helped with educating Members of Congress, doing important coalition and media work, and providing legal input on the bill as it progressed through Congress, from its first stages through the final vote today: Anne Sommers, AAPD; Angela Ostrom, Donna Meltzer, Hans Friedhoff, Ken Lowenberg, Kimberli Meadows, and Lisa Boylan, Epilepsy Foundation; Day Al Mohamed, American Psychological Association; Deb Cotter, NCIL; Joan Magagna and Ron Hager, NDRN; Mistique Cano, Maggie Kao and Robyn Kurland, Leadership Conference for Civil Rights; Peggy Hathaway and Jim Wiseman, United Spinal Association; Annie Acosta, The Arc/UCP Disability Policy Collaboration; Lewis Bossing, Bazelon Center for Mental Health Law; John Kemp, U.S. International Council on Disabilities; Bebe Anderson, Lambda Legal Defense Fund; Robert Burgdorf, UDC law professor; Rosaline Crawford, National Association of the Deaf (NAD); Mark Richert, American Foundation for the Blind; Eric Bridges, American Council for the Blind; Jessica Butler, Council of Parent Attorneys and Advocates; Michael Collins, Julie Carroll and Jeff Rosen, NCD; Steve Bennett, UCP, Lise Hamlin, Hard of Hearing Association of America; Laura Kaloi, National Center for Learning Disabilities; Donna Lenhoff and Gary Phelan, National Employment Lawyers Association (NELA); Darrin Brown and Evelyn Morton, AARP; Dan Kohrman, AARP Foundation and NELA; Katy Beh Neas, Easter Seals; Andrew Sperling, National Alliance on Mental Illness; Toby Olson, Washington State Governor's Committee on Disability Issues and Employment; Myrna Mandlawitz, Learning Disabilities Association; Ari Ne'eman, Autistic Self Advocacy Network; Shawn O'Neail, National Multiple Sclerosis Society; Laura Owens; APSE: The Network on Employment; Cindy Smith, CHADD; Jim Ward, ADA Watch/National Council on Disability Rights; Nathan Vafaie, National Health Council; David Webbert, Johnson & Webbert; Joanne Lin, Michelle Richardson, and Deborah Vagins, ACLU Washington Legislative Office; Lynne Landsberg and Kate Bigam, Religious Action Center of Reform Judaism, Amy Rosen, United Jewish Communities; Elissa Froman, National Council of Jewish Women; Jayne Mardock, National Kidney Foundation; Jack Clark and Mark Freedman, U.S. Chamber of Commerce; Tim Bartl, HR Policy Association; Recardo Gibson, SHRM; Bo Bryant, McDonald's; Keith Smith, Ryan Modlin and Bob Shepler, National Association of Manufacturers; Ty Kelley, Food Marketing Institute; and Jason Straczewski, International Franchise Association.

Regardless of the work done by advocates, however, it is ultimately we in Congress who must get the job done. We applaud the commitment of Congressman George Miller, Chair, and Congressman Buck McKeon, Ranking Member, Committee on Education and Labor; Congressman John Conyers, Chair, and Congressman Lamar Smith, Ranking Member, Committee on Judiciary; Congressman Jerry Nadler, Chair, and Congressman Trent Franks, Ranking Member, Subcommittee on the Constitution, Civil Rights, and Civil Liberties; Congressman John Dingell, Chair, and Congressman Joe

Barton, Ranking Member, Committee on Energy and Commerce; Congressman James Oberstar, Chair, and Congressman John Mica, Ranking Member, Committee on Transportation and Infrastructure for bringing this bill successfully through their committees. We applaud our 400 colleagues who voted with us to pass the ADA Amendments Act this past June and we applaud the Senate that unanimously passed the ADA Amendments Act last week.

And, of course, there is no way we could have done all the work that we did on this bill without the dedicated assistance of our staff and the staff of the committees. So, we would particularly like to thank Michele Stockwell, Keith Abouchar, Michael Lenn, Sharon Lewis, Heather Sawyer, Mark Zuckerman, Jim Paretti, Ed Gilroy, Brian Kennedy, Paul Taylor, David Lachmann, Alex, Nock, Thomas Webb, Jody Calemine, Tico Almeida, Chris Brown, and Ken Serafin.

What really matters, when all is said and done, is the work done by people with disabilities every day across this great nation. The passage of the ADA Amendments Act today is intended to ensure that they receive the simple, basic opportunity to participate fully in all aspects of society. We are grateful to have played a role in helping to make that happen,

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of S. 3406, the ADA Amendments Act of 2008. This bipartisan legislation, which will restore the original intent of the Americans with Disabilities Act, ADA, is long overdue.

The passage of the ADA in 1990 helped millions of Americans with disabilities succeed in life and the workplace by making essential services that most Americans take for granted more accessible to individuals with disabilities. It was truly a landmark civil rights law to ensure that people with disabilities have protection from discrimination in the same manner as individuals are protected from discrimination on the basis of race, gender, national origin, religion, or age.

In recent years, the Federal courts have erroneously eroded the protections for individuals under the ADA, which has created a new set of barriers for those with disabilities. This bill rejects the courts' narrow interpretation of the definition of disability, and makes it absolutely clear that the ADA is intended to provide broad coverage to protect anyone who faces discrimination on the basis of disability. It strikes a careful balance between the needs of individuals with disabilities and realities confronted by employers.

Madam Speaker, the Congress is taking an important step towards restoring the original intent of the ADA. By doing so, we will help ensure that Americans with disabilities can lead independent and self-sufficient lives. I urge my colleagues to support this much-needed legislation.

Mr. COURTNEY. Madam Speaker, I rise in strong support of the Americans With Disabilities Act Amendments Act of 2008 (ADAAA), S. 3406. I want to commend Majority Leader HOYER and Chairman MILLER for moving this bill so quickly after Senate passage late last week.

As the Education and Labor Committee said in its report on H.R. 3195, this bill provides "an important step towards restoring the original intent of Congress. The scope of protection under the ADA was intended to be broad and inclusive. Unfortunately, the courts have narrowed the interpretation of disability and found that a large number of people with substantially limiting impairments are not to be considered people with disabilities."

Unfortunately, the ADA has been misinterpreted by the courts resulting in a narrow view of those eligible to receive certain reasonable accommodations including individuals with learning disabilities. Historically, certain individuals with learning disabilities seeking accommodations in higher education—including high stakes exams—have seen their access to testing accommodations severely undercut by testing companies not willing to consider and support that learning disabilities are neurologically based, lifelong disabilities that may exist in students with high academic achievement because the individual has been able to cope and mitigate the negative impact while simultaneously being substantially limited in one or more major life activities.

Too many individuals with documented learning disabilities, including dyslexia, are denied access to easily administered and often low-cost accommodations that would make the critical difference in allowing them to demonstrate their knowledge. These amendments to the ADA do not provide any special treatment, but rather, ensure that each individual with a learning disability has every opportunity to apply for and receive a reasonable accommodation so he/she can move forward in his/her chosen educational and career paths.

This bill continues to reinforce what we stated in our bipartisan committee report, that "the determination of whether an impairment substantially limits a major life activity is to be made on an individualized basis." There should be no attempt to discriminate against a class of individuals based on any one disability. For example, people with dyslexia are diagnosed based on an unexpected difficulty in reading. This requires a careful analysis of the method and manner in which this impairment substantially limits an individual's ability to read, which may mean a difference in the duration, condition or manner of reading—for example, taking more time—but may not result in a less capable reader.

Together, we can ensure that the ADA is accurately interpreted to provide access to accommodations for those that have appropriately documented disabilities. By supporting and fostering the academic potential for these individuals, we reap the benefits when talented, ambitious and creative individuals are able to fulfill their education dreams and contribute in a meaningful way to our society.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of S. 3406, the "ADA Restoration Act of 2007." I wholeheartedly support this bill and urge my colleagues to support it also. The changes embodied by this Act, that restore the with Disabilities Act of 1990 ("ADA") to its original purpose, are long overdue.

S. 3406, the "ADA Restoration Act of 2007," amends the definition of "disability" in the ADA in response to the Supreme Court's narrow interpretation of the definition, which has made it extremely difficult for individuals with serious health conditions—epilepsy, diabetes, cancer, muscular dystrophy, multiple sclerosis and severe intellectual impairments—to prove that they qualify for protection under the ADA. The Supreme Court has narrowed the definition in two ways: (1) by ruling that mitigating measures that help control an impairment like medicine, hearing aids, or any other treatment must be considered in determining whether an impairment is disabling enough to qualify as a disability; and (2) by ruling that the elements of the definition must be interpreted "strictly to create a demanding standard for qualifying as disabled." The Court's treatment of the ADA is at odds with judicial treatment of other civil rights statutes, which usually are interpreted broadly to achieve their remedial purposes. It is also inconsistent with Congress's intent.

The Committee will consider a substitute that represents the consensus view of disability rights groups and the business community. That substitute restores Congressional intent by, among other things:

Disallowing consideration of mitigating measures other than corrective lenses (ordinary eyeglasses or contacts) when determining whether an impairment is sufficiently limiting to qualify as a disability;

Maintaining the requirement that an individual qualifying as disabled under the first of the three-prong definition of "disability" show that an impairment "substantially limits" a major life activity but defining "substantially limits" as a less burdensome "materially restricts";

Clarifying that anyone who is discriminated against because of an impairment, whether or not the impairment limits the performance of any major life activities, has been "regarded as" disabled and is entitled to the ADA's protection.

BACKGROUND ON LEGISLATION

Eighteen years ago, President George H.W. Bush, with overwhelming bipartisan support from the Congress, signed into law the ADA. The Act was intended to provide a "clear and comprehensive mandate," with "strong, consistent, enforceable standards," for eliminating disability-based discrimination. Through this broad mandate, Congress sought to protect anyone who is treated less favorably because of a current, past, or perceived disability. Congress did not intend for the courts to seize on the definition of disability as a means of excluding individuals with serious health conditions from protection, yet this is exactly what has happened. A legislative action is now needed to restore congressional intent and ensure broad protection against disability-based discrimination.

COURT RULINGS HAVE NARROWED ADA PROTECTION, RESULTING IN THE EXCLUSION OF INDIVIDUALS THAT CONGRESS CLEARLY INTENDED TO PROTECT.

Through a series of decisions interpreting the ADA's definition of "disability," however, the Supreme Court has narrowed the ADA in ways never intended by Congress. First, in three cases decided on the same day, the Supreme Court ruled that the determination of "disability" under the first prong of the definition—i.e., whether an individual has a substantially limiting impairment—should be made after considering whether mitigating measures had reduced the impact of the impairment. In all three cases, the undisputed reason for the adverse action was the employee's medical condition, yet all three employers argued—and the Supreme Court agreed—that the plaintiffs were not protected by the ADA because their impairments, when considered in a mitigated state, were not limiting enough to qualify as disabilities under the ADA.

Three years later, the Supreme Court revisited the definition of "disability" in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams. In that case, the plaintiff alleged that

her employer discriminated against her by failing to accommodate her disabilities, which included carpal tunnel syndrome, myotendonitis, and thoracic outlet compression. While her employer previously had adjusted her job duties, making it possible for her to perform well despite these conditions, Williams was not able to resume certain job duties when requested by Toyota and ultimately lost her job. She challenged the termination, also alleging that Toyota's refusal to continue accommodating her violated the ADA. Looking to the definition of ''disability,'' the Court noted that an individual ''must initially prove that he or she has a physical or mental impairment,'' and then demonstrate that the impairment ''substantially limits'' a ''major life activity.'' Identifying the critical questions to be whether a limitation is ''substantial'' and whether a life activity is ''major,'' the court stated that ''these terms need to be interpreted strictly to create a demanding standard for qualifying as disabled.'' The Court then concluded that ''substantial'' requires a showing that an individual has an impairment ''that prevents or severely restricts the individual, and 'major' life activities requires a showing that the individual is restricted from performing tasks that are 'of central importance to most people's daily lives.' ''

In the wake of these rulings, disabilities that had been covered under the Rehabilitation Act and that Congress intended to include under the ADA—serious health conditions like epilepsy, diabetes, cancer, cerebral palsy, multiple sclerosis—have been excluded. Either, the courts say, the person is not impaired enough to substantially limit a major life activity, or the impairment substantially limits something—like liver function—that the courts do not consider a major life activity. Courts even deny protection when the employer admits that it took adverse action based on the individual's impairment, allowing employers to take the position that an employee is too disabled to do a job but not disabled enough to be protected by the law.

On October 4, 2007, the Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a legislative hearing on S. 3406, the ''ADA Restoration Act of 2007.'' Witnesses at the hearing included Majority Leader STENY H. HOYER (D–MD); Cheryl Sensenbrenner, Chair, American Association of People with Disabilities; Stephen C. Orr, pharmacist and plaintiff in Orr v. Wal-Mart Stores, Inc.; Michael C. Collins, Executive Director, National Council on Disability; Lawrence Z. Lorber, U.S. Chamber of Commerce; and Chai R. Feldblum, Professor, Georgetown University Law Center.

The hearing provided an opportunity for the Constitution Subcommittee to examine how the Supreme Court's decisions regarding the definition of ''disability'' have affected ADA protection for individuals with disabilities and to consider the need for legislative action. Representative HOYER, one of the lead sponsors of the original act and, along with Representative SENSENBRENNER, lead House cosponsor of the ADA Restoration Act, explained the need to respond to court decisions ''that have sharply restricted the class of people who can invoke protection under the law and [reinstate] the original congressional intent when the ADA passed.'' Explaining Congress's choice to adopt the definition of ''disability'' from the Rehabilitation Act because it had been interpreted generously by the courts, Representative HOYER testified that Congress had never anticipated or intended that the courts would interpret that definition so narrowly:

> [W]e could not have fathomed that people with diabetes, epilepsy, heart conditions, cancer, mental illnesses and other disabilities would have their ADA claims denied because they would be considered too functional to meet the definition of disabled. Nor could we have fathomed a situation where the individual may be considered too disabled by an employer to get a job, but not disabled enough by the courts to be protected by the ADA from discrimination. What a contradictory position that would have been for Congress to take.

Representative HOYER, joined by all of the witnesses except Mr. Lorber, urged Congress to respond by passing H.R. 3195, the House companion, to amend the definition of ''disability.'' Mr. Lorber, appearing on behalf of the Chamber of Commerce, opposed H.R. 3195 as an overly broad response to court decisions that accurately reflected statutory language and congressional intent.

Since the subcommittee's hearing, several changes have been made to the bill, which are reflected in the substitute that will likely be considered by the committee. The substitute, described section-by-section below, represents the consensus of the disability rights and business groups and is supported by, among others, the Chamber of Commerce.

Importantly, Section 4 of the bill amends the definition of ''disability'' and provides standards for applying the amended definition. While retaining the requirement that a disability ''substantially limits'' a ''major'' life activity under prongs 1 and 2 of the definition of disability, section 4 redefines ''substantially limits'' as ''materially restricts'' to indicate a less stringent standard. Thus, while the limitation imposed by an impairment must be important, it need not rise to the level of preventing or severely restricting the performance of major life activities in order to qualify as a disability. Section 4 provides an illustrative list of life activities that should be considered ''major,'' and clarifies that an individual has been ''regarded as'' disabled and is entitled to protection under the ADA if discriminated against because of an impairment, whether or not the impairment limits the performance of any major life activities. Section 4 requires broad construction of the definition and prohibits consideration of mitigating measures (with the exception of ordinary glasses or contact lenses) in determining whether an impairment substantially limits a major life activity.

I support this bill, and I urge my colleagues to support it also.

Ms. BALDWIN. Madam Speaker, I rise in support of S. 3406, the Americans with Disabilities Act (ADA) Amendments Act.

This vital legislation restores the civil rights protections that Congress intended for people with disabilities in passing the ADA in 1990. In the years since passage of the ADA, courts—including the U.S. Supreme Court—have narrowed the protective reach of this law, undermining Congress' intent. It is flatly unacceptable that Americans who experienced disability-based discrimination have been denied protection of the ADA and barred from challenging discriminatory conduct. This bill is an important and necessary remedy, and I'm grateful to our champions in the House, Mr. HOYER and Mr. SENSENBRENNER, as well as Senator HARKIN and others who shepherded the ADA Amendments Act through the Senate.

Importantly, the ADA Amendments Act addresses the restrictive interpretation of what it means to have a ''disability'' and therefore be protected against disability discrimination. In Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, the Supreme Court ruled that the definition of disability must be read ''strictly to create a demanding standard for qualifying as disabled'' and, to meet the definition, 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.''

Due to that and other narrow court interpretations, people with HIV who have been fired, not hired, or suffered other adverse employment actions have been denied the protections of the ADA. Although the ADA clearly intended to protect people living with HIV from being discriminated against based on having HIV, many have had their lawsuits derailed by disputes over whether they meet a narrowly interpreted definition of the term ''disability.'' For people living with HIV, all too often whether or not they could proceed with their discrimination claim has turned on the court's view of evidence as to their child-bearing ability and intentions: highly personal, intimate matters that are completely unrelated to the discrimination they experienced.

The ADA Amendments Act remedies the courts' misinterpretation of the ADA by explicitly stating that the definition of ''disability'' must be interpreted broadly to achieve the ADA's remedial purposes, by clarifying the definition of ''disability'' through examples of ''major life activities,'' and by providing that the determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures. Of significance for people living with HIV, among the listed examples of ''major life activities'' are ''functions of the immune system,'' as well as ''reproductive functions.'' Under these new provisions, many individuals who were incorrectly denied coverage under the ADA will now be protected from discrimination. Some examples follow:

Rubin Cruz Carrillo was fired from his job as a flight attendant 1 day after he told his employer that he had been diagnosed with HIV and asked to speak with his supervisors about this under ''strict confidentiality.'' Because he was fired immediately after disclosing his HIV status, Rubin believed that the airline terminated him because of his disability and filed suit under the ADA. To show that his HIV infection ''substantially limits'' a ''major life activity,'' Rubin explained that he decided not to have children because of the risk of infecting his female partner or their resulting child through unprotected sexual intercourse. The trial judge discounted his testimony, saying that Rubin was ''not an expert in the medical field of immunology or reproduction.'' The court concluded that Rubin had not established that he had a ''disability'' because he failed to introduce medical evidence that HIV substantially limits a man's ability to reproduce. Therefore, the court ruled Rubin was not entitled to the protections of the ADA.

In contrast, another judge on the same Federal district court found that a female with HIV was entitled to ADA protection. Yesenia Rodriguez alleged that she was discharged

from an assignment because she had HIV. The court found that she was "disabled" under the meaning of the ADA, based on her testimony that she decided not to have more children due to the possibility of transmitting HIV to her child if she did.

Other courts have granted summary judgment for employers (dismissing discrimination claims) on the grounds that the employee with HIV did not establish that his HIV was a "disability." For example, Fabio Gutwaks" discrimination claim was dismissed after the court concluded that he had failed to establish that he was substantially limited in the major life activity of reproduction because he testified that he did not currently, or previously, desire to father children. Similarly, Albenjamin Blanks' claim was dismissed after he testified that he and his wife had decided not to have any more children long before the discriminatory conduct occurred and that his wife had undergone a procedure to prevent her from having any more children.

The ADA was meant to prohibit discrimination against people with disabilities. Yet, many people with HIV have been denied coverage under the ADA and therefore left without any legal recourse against discrimination. Under the ADA Amendments Act, these men and women will all be assured legal protection for discrimination based on their HIV status, irrespective of their child-bearing intentions or lack of expert testimony about HIV's impact on child-bearing.

By passing the ADA Amendments Act, we reaffirm the right for American workers—including any American living with HIV—to be judged based upon their skills, talents, loyalty, character, integrity and work ethic. I am pleased to support this bill to ensure that all Americans have a fair opportunity to work.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the Senate bill, S. 3406.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SSI EXTENSION FOR ELDERLY AND DISABLED REFUGEES ACT

Mr. MCDERMOTT. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2608) to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2008 through 2010, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code to collect unemployment compensation debts resulting from fraud.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

In the Senate of the United States, August 1, 2008.

Resolved, That the bill from the House of Representatives (H.R. 2608) entitled ''An Act to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2008 through 2010, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code to collect unemployment compensation debts resulting from fraud.'', do pass with the following amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''SSI Extension for Elderly and Disabled Refugees Act''.

SEC. 2. SSI EXTENSIONS FOR HUMANITARIAN IMMIGRANTS.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

''(M) SSI EXTENSIONS THROUGH FISCAL YEAR 2011.—

''(i) TWO-YEAR EXTENSION FOR CERTAIN ALIENS AND VICTIMS OF TRAFFICKING.—

''(I) IN GENERAL.—Subject to clause (ii), with respect to eligibility for benefits under subparagraph (A) for the specified Federal program described in paragraph (3)(A) of qualified aliens (as defined in section 431(b)) and victims of trafficking in persons (as defined in section 107(b)(1)(C) of division A of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) or as granted status under section 101(a)(15)(T)(ii) of the Immigration and Nationality Act), the 7-year period described in subparagraph (A) shall be deemed to be a 9-year period during fiscal years 2009 through 2011 in the case of such a qualified alien or victim of trafficking who furnishes to the Commissioner of Social Security the declaration required under subclause (IV) (if applicable) and is described in subclause (III).

''(II) ALIENS AND VICTIMS WHOSE BENEFITS CEASED IN PRIOR FISCAL YEARS.—Subject to clause (ii), beginning on the date of the enactment of the SSI Extension for Elderly and Disabled Refugees Act, any qualified alien (as defined in section 431(b)) or victim of trafficking in persons (as defined in section 107(b)(1)(C) of division A of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) or as granted status under section 101(a)(15)(T)(ii) of the Immigration and Nationality Act) rendered ineligible for the specified Federal program described in paragraph (3)(A) during the period beginning on August 22, 1996, and ending on September 30, 2008, solely by reason of the termination of the 7-year period described in subparagraph (A) shall be eligible for such program for an additional 2-year period in accordance with this clause, if such qualified alien or victim of trafficking meets all other eligibility factors under title XVI of the Social Security Act, furnishes to the Commissioner of Social Security the declaration required under subclause (IV) (if applicable), and is described in subclause (III).

''(III) ALIENS AND VICTIMS DESCRIBED.—For purposes of subclauses (I) and (II), a qualified alien or victim of trafficking described in this subclause is an alien or victim who—

''(aa) has been a lawful permanent resident for less than 6 years and such status has not been abandoned, rescinded under section 246 of the Immigration and Nationality Act, or terminated through removal proceedings under section 240 of the Immigration and Nationality Act, and the Commissioner of Social Security has verified such status, through procedures established in consultation with the Secretary of Homeland Security;

''(bb) has filed an application, within 4 years from the date the alien or victim began receiving supplemental security income benefits, to become a lawful permanent resident with the Secretary of Homeland Security, and the Commissioner of Social Security has verified, through procedures established in consultation with such Secretary, that such application is pending;

''(cc) has been granted the status of Cuban and Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96–422), for purposes of the specified Federal program described in paragraph (3)(A);

''(dd) has had his or her deportation withheld by the Secretary of Homeland Security under section 243(h) of the Immigration and Nationality Act (as in effect immediately before the effective date of section 307 of division C of Public Law 104–208), or whose removal is withheld under section 241(b)(3) of such Act;

''(ee) has not attained age 18; or

''(ff) has attained age 70.

''(IV) DECLARATION REQUIRED.—

''(aa) IN GENERAL.—For purposes of subclauses (I) and (II), the declaration required under this subclause of a qualified alien or victim of trafficking described in either such subclause is a declaration under penalty of perjury stating that the alien or victim has made a good faith effort to pursue United States citizenship, as determined by the Secretary of Homeland Security. The Commissioner of Social Security shall develop criteria as needed, in consultation with the Secretary of Homeland Security, for consideration of such declarations.

''(bb) EXCEPTION FOR CHILDREN.—A qualified alien or victim of trafficking described in subclause (I) or (II) who has not attained age 18 shall not be required to furnish to the Commissioner of Social Security a declaration described in item (aa) as a condition of being eligible for the specified Federal program described in paragraph (3)(A) for an additional 2-year period in accordance with this clause.

''(V) PAYMENT OF BENEFITS TO ALIENS WHOSE BENEFITS CEASED IN PRIOR FISCAL YEARS.—Benefits paid to a qualified alien or victim described in subclause (II) shall be paid prospectively over the duration of the qualified alien's or victim's renewed eligibility.

''(ii) SPECIAL RULE IN CASE OF PENDING OR APPROVED NATURALIZATION APPLICATION.—With respect to eligibility for benefits for the specified program described in paragraph (3)(A), paragraph (1) shall not apply during fiscal years 2009 through 2011 to an alien described in one of clauses (i) through (v) of subparagraph (A) or a victim of trafficking in persons (as defined in section 107(b)(1)(C) of division A of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) or as granted status under section 101(a)(15)(T)(ii) of the Immigration and Nationality Act), if such alien or victim (including any such alien or victim rendered ineligible for the specified Federal program described in paragraph (3)(A) during the period beginning on August 22, 1996, and ending on September 30, 2008, solely by reason of the termination of the 7-year period described in subparagraph (A)) has filed an application for naturalization that is pending before the Secretary of Homeland Security or a United States district court based on section 336(b) of the Immigration and Nationality Act, or has been approved for naturalization but not yet sworn in as a United States citizen, and the Commissioner of Social Security has verified, through procedures established in consultation with the Secretary of Homeland Security, that such application is pending or has been approved.''.

SEC. 3. COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS RESULTING FROM FRAUD.

(a) IN GENERAL.—Section 6402 of the Internal Revenue Code (relating to authority to make credits or refunds) is amended by redesignating subsections (f) through (k) as subsections (g) through (l), respectively, and by inserting after subsection (e) the following new subsection:

''(f) COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS RESULTING FROM FRAUD.—

''(1) IN GENERAL.—Upon receiving notice from any State that a named person owes a covered unemployment compensation debt to such State, the Secretary shall, under such conditions as may be prescribed by the Secretary—

''(A) reduce the amount of any overpayment payable to such person by the amount of such covered unemployment compensation debt;

''(B) pay the amount by which such overpayment is reduced under subparagraph (A) to such State and notify such State of such person's name, taxpayer identification number, address, and the amount collected; and

''(C) notify the person making such overpayment that the overpayment has been reduced by an amount necessary to satisfy a covered unemployment compensation debt.

If an offset is made pursuant to a joint return, the notice under subparagraph (C) shall include information related to the rights of a spouse of a person subject to such an offset.

''(2) PRIORITIES FOR OFFSET.—Any overpayment by a person shall be reduced pursuant to this subsection—

''(A) after such overpayment is reduced pursuant to—

''(i) subsection (a) with respect to any liability for any internal revenue tax on the part of the person who made the overpayment;

''(ii) subsection (c) with respect to past-due support; and

''(iii) subsection (d) with respect to any past-due, legally enforceable debt owed to a Federal agency; and

''(B) before such overpayment is credited to the future liability for any Federal internal revenue tax of such person pursuant to subsection (b).

If the Secretary receives notice from a State or States of more than one debt subject to paragraph (1) or subsection (e) that is owed by a person to such State or States, any overpayment by such person shall be applied against such debts in the order in which such debts accrued.

''(3) OFFSET PERMITTED ONLY AGAINST RESIDENTS OF STATE SEEKING OFFSET.—Paragraph (1) shall apply to an overpayment by any person for a taxable year only if the address shown on the Federal return for such taxable year of the overpayment is an address within the State seeking the offset.

''(4) NOTICE; CONSIDERATION OF EVIDENCE.—No State may take action under this subsection until such State—

''(A) notifies by certified mail with return receipt the person owing the covered unemployment compensation debt that the State proposes to take action pursuant to this section;

''(B) provides such person at least 60 days to present evidence that all or part of such liability is not legally enforceable or due to fraud;

''(C) considers any evidence presented by such person and determines that an amount of such debt is legally enforceable and due to fraud; and

''(D) satisfies such other conditions as the Secretary may prescribe to ensure that the determination made under subparagraph (C) is valid and that the State has made reasonable efforts to obtain payment of such covered unemployment compensation debt.

''(5) COVERED UNEMPLOYMENT COMPENSATION DEBT.—For purposes of this subsection, the term 'covered unemployment compensation debt' means—

''(A) a past-due debt for erroneous payment of unemployment compensation due to fraud which has become final under the law of a State certified by the Secretary of Labor pursuant to section 3304 and which remains uncollected for not more than 10 years;

''(B) contributions due to the unemployment fund of a State for which the State has determined the person to be liable due to fraud and which remain uncollected for not more than 10 years; and

''(C) any penalties and interest assessed on such debt.

''(6) REGULATIONS.—

''(A) IN GENERAL.—The Secretary may issue regulations prescribing the time and manner in which States must submit notices of covered unemployment compensation debt and the necessary information that must be contained in or accompany such notices. The regulations may specify the minimum amount of debt to which the reduction procedure established by paragraph (1) may be applied.

''(B) FEE PAYABLE TO SECRETARY.—The regulations may require States to pay a fee to the Secretary, which may be deducted from amounts collected, to reimburse the Secretary for the cost of applying such procedure. Any fee paid to the Secretary pursuant to the preceding sentence shall be used to reimburse appropriations which bore all or part of the cost of applying such procedure.

''(C) SUBMISSION OF NOTICES THROUGH SECRETARY OF LABOR.—The regulations may include a requirement that States submit notices of covered unemployment compensation debt to the Secretary via the Secretary of Labor in accordance with procedures established by the Secretary of Labor. Such procedures may require States to pay a fee to the Secretary of Labor to reimburse the Secretary of Labor for the costs of applying this subsection. Any such fee shall be established in consultation with the Secretary of the Treasury. Any fee paid to the Secretary of Labor may be deducted from amounts collected and shall be used to reimburse the appropriation account which bore all or part of the cost of applying this subsection.

''(7) ERRONEOUS PAYMENT TO STATE.—Any State receiving notice from the Secretary that an erroneous payment has been made to such State under paragraph (1) shall pay promptly to the Secretary, in accordance with such regulations as the Secretary may prescribe, an amount equal to the amount of such erroneous payment (without regard to whether any other amounts payable to such State under such paragraph have been paid to such State).

''(8) TERMINATION.—This section shall not apply to refunds payable after the date which is 10 years after the date of the enactment of this subsection.''.

(b) DISCLOSURE OF CERTAIN INFORMATION TO STATES REQUESTING REFUND OFFSETS FOR LEGALLY ENFORCEABLE STATE UNEMPLOYMENT COMPENSATION DEBT RESULTING FROM FRAUD.—

(1) GENERAL RULE.—Paragraph (3) of section 6103(a) of such Code is amended by inserting ''(10),'' after ''(6),''.

(2) DISCLOSURE TO DEPARTMENT OF LABOR AND ITS AGENT.—Paragraph (10) of section 6103(l) of such Code is amended—

(A) by striking ''(c), (d), or (e)'' each place it appears in the heading and text and inserting ''(c), (d), (e), or (f)'',

(B) in subparagraph (A) by inserting '', to officers and employees of the Department of Labor for purposes of facilitating the exchange of data in connection with a request made under subsection (f)(5) of section 6402,'' after ''section 6402'', and

(C) in subparagraph (B)—

(i) by inserting ''(i)'' after ''(B)''; and

(ii) by adding at the end the following:

''(ii) Notwithstanding clause (i), return information disclosed to officers and employees of the Department of Labor may be accessed by agents who maintain and provide technological support to the Department of Labor's Interstate Connection Network (ICON) solely for the purpose of providing such maintenance and support.''.

(3) SAFEGUARDS.—Paragraph (4) of section 6103(p) of such Code is amended—

(A) in the matter preceding subparagraph (A), by striking ''(l)(16),'' and inserting ''(l)(10), (16),'';

(B) in subparagraph (F)(i), by striking ''(l)(16),'' and inserting ''(l)(10), (16),''; and

(C) in the matter following subparagraph (F)(iii)—

(i) in each of the first two places it appears, by striking ''(l)(16),'' and inserting ''(l)(10), (16),'';

(ii) by inserting ''(10),'' after ''paragraph (6)(A),''; and

(iii) in each of the last two places it appears, by striking ''(l)(16)'' and inserting ''(l)(10) or (16)''.

(c) EXPENDITURES FROM STATE FUND.—Section 3304(a)(4) of such Code is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon;

(2) in subparagraph (F), by inserting ''and'' after the semicolon; and

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

''(G) with respect to amounts of covered unemployment compensation debt (as defined in section 6402(f)(4)) collected under section 6402(f)—

''(i) amounts may be deducted to pay any fees authorized under such section; and

''(ii) the penalties and interest described in section 6402(f)(4)(B) may be transferred to the appropriate State fund into which the State would have deposited such amounts had the person owing the debt paid such amounts directly to the State;''.

(d) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 6402 of such Code is amended by striking ''(c), (d), and (e),'' and inserting ''(c), (d), (e), and (f)''.

(2) Paragraph (2) of section 6402(d) of such Code is amended by striking ''and before such overpayment is reduced pursuant to subsection (e)'' and inserting ''and before such overpayment is reduced pursuant to subsections (e) and (f)''.

(3) Paragraph (3) of section 6402(e) of such Code is amended in the last sentence by inserting ''or subsection (f)'' after ''paragraph (1)''.

(4) Subsection (g) of section 6402 of such Code, as redesignated by subsection (a), is amended by striking ''(c), (d), or (e)'' and inserting ''(c), (d), (e), or (f)''.

(5) Subsection (i) of section 6402 of such Code, as redesignated by subsection (a), is amended by striking ''subsection (c) or (e)'' and inserting ''subsection (c), (e), or (f)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to refunds payable under section 6402 of the Internal Revenue Code of 1986 on or after the date of enactment of this Act.

Amend the title so as to read: ''An Act to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2009 through 2011, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code of 1986 to collect unemployment compensation debts resulting from fraud.''.

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

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, I think the torch of the Statue of Liberty might just be burning a little brighter today because we are soon going to send to the President a bill that helps the most vulnerable on our shores, refugees coming to America fleeing persecution, injustice, torture and even the threat of death. They are Jews from the former Soviet Union, Kurds from Iraq, Hmong fighters from Vietnam and other oppressed peoples from around the globe.

Refugees often flee their home countries with little more than their clothes on their backs. When they are disabled or elderly, employment can be difficult, which means they face almost complete destitution without assistance. Our Nation's program that is designed to help low-income elderly and disabled individuals, the Supplemental Security Income program, or SSI, now terminates assistance to these refugees after they have been in the United States for 7 years. This cutoff was designed with the expectation that refugees would become citizens within this time frame and would then be eligible for continued benefits. However, a series of obstacles make that transition to citizenship difficult within the 7-year limit of SSI benefits. First, a refugee must live in the United States for at least 5 years before they are even eligible to submit an application for citizenship. A refugee must then confront a lengthy application process which takes up to 3 to 4 years. Backlogs in processing citizenship applications have been caused by a variety of issues, including protracted background checks put in place after the September 11 terrorist attacks.

There are other barriers to citizenship, such as the continuing impact of a recent annual cap on the number of asylees who may become legal permanent residents, a status which asylees must maintain for 4 years before they submit an application for citizenship.

□ 1215

Also, many disabled and elderly refugees encounter difficulties navigating the application process, which includes both an English language test and a U.S. civics test.

We passed bipartisan legislation a year ago in the House to extend SSI benefits for refugees and other humanitarian immigrants. The legislation before us today is that same bill sent back to us with an amendment by the Senate. The most significant modification by the Senate was to require all refugees to sign an affidavit that they are making a good faith effort to become U.S. citizens.

This bill, H.R. 2608, would generally extend SSI benefits for an additional 2 years for disabled and elderly refugees, asylees and other qualified humanitarian immigrants, including those whose benefits have expired in the past. Benefits could be extended for an additional time for those awaiting a decision on the pending application for citizenship. These policies would be in effect through 2011 and would restore SSI benefits for roughly 20,000 refugees.

The legislation completely offsets the cost of this SSI extension for refugees with a provision that would reduce Federal tax refunds to recover fraudulent unemployment insurance payments. This Federal tax revenue offset authority already exists to collect unpaid child support, unpaid State taxes and debts owed to Federal agencies.

Before pursuing a tax offset, a State would be required to notify the individual and provide them with at least 60 days to contest the amount being recovered. By catching and reducing fraud in the unemployment insurance system, this provision not only offsets the cost of SSI extension for refugees, but it also would reduce unemployment taxes on employers. The Joint Committee on Taxation estimates the legislation will cut payroll taxes by $315 million over the next 10 years.

Madam Speaker, refugees come to this country fleeing persecution. They reside in our country legally, and those eligible for SSI are disabled, elderly or both. This legislation extends a modest benefit to help them provide for their most basic essentials. The bill will not add one dime to the Federal deficit, and it will even provide a tax cut. This combination has generated very broad support for the measure, which passed the House unanimously last year and did likewise in the Senate last month. Additionally, the Bush administration has proposed the same policies in the President's budget.

I would like to expressly thank my colleague, Mr. WELLER, the ranking member, for working with me to forge this bipartisan bill. Today's action is the last step needed to provide a helping hand to those who need it most.

I reserve the balance of my time.

Mr. WELLER of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in July of 2007, H.R. 2608, bipartisan legislation, the SSI Extension for Elderly and Disabled Refugees Act, passed the House by unanimous voice vote. In early August, just over a month ago, the Senate finally passed an amended version of the bill by unanimous consent, and we are here today acting to accept the amended bill.

This bipartisan legislation increases the amount of time certain low income, disabled and aged immigrants can receive Supplemental Security Income benefits. Currently these individuals are eligible for these benefits during their first 7 years in the United States. This legislation would extend that period to 9 years, or even longer if the individual has a pending application for citizenship.

These individuals arrived and remain in the United States legally and also arrived for humanitarian reasons. They have fled persecution and suffering in their own countries, and include refugees, asylees, Cuban-Haitian entrants, Hmong tribesmen who fought on the side of the United States, victims of communist dictatorships and victims of trafficking from around the world. This legislation provides them additional eligibility to ensure that a lengthy citizenship application process does not inadvertently cause an elderly or disabled refugee to lose access to SSI benefits.

Because this expanded eligibility for low income, disabled and aged immigrants will be extended only through fiscal year 2011, a future Congress will need to review whether these provisions are working as intended and need to be extended. That future Congress can and should question whether refugees and others, who are playing by the rules and who apply for citizenship, have adequate and sufficient time to go through that process without losing access to SSI benefits.

To cover the cost of these additional benefits, the bill would reduce Federal income tax refunds to better recover unemployment benefit overpayments resulting from fraud. Tax refund offsets already occur for delinquent child support payments and certain other debts owed to the Federal Government. This change simply allows the current process to work in recovering certain unemployment benefit overpayments.

In addition to improving program integrity, this change will more than pay for the added SSI benefits provided by the bill, according to the Congressional Budget Office.

The Ways and Means Committee, and in particular the Income Security and Family Support Subcommittee on which I serve as ranking member, has long been active in developing legislation to combat fraud and abuse in unemployment and other benefits. I am pleased to see us continuing that effort with this legislation.

For example, in 2004, under the leadership of former Chairman WALLY HERGER, we passed a law to stop the illegal manipulation of State unemployment taxes. We also allowed State unemployment benefit programs to use current data on new hires to help prevent benefit overpayments.

This legislation builds on those efforts, and I am proud to support it. Even if it is not needed as a pay-for, this good government provision merits passage on its own.

This legislation is supported by a wide range of faith-based and other community groups, such as the Hebrew Immigrant Aid Society, Lutheran Social Services and Catholic Charities.

I would also like to recognize the efforts of my Ways and Means colleague, Representative PHIL ENGLISH of Pennsylvania, who has worked diligently to extend SSI benefits to this vulnerable immigrant group, including by introducing legislation to do so.

I urge all Members to join me in supporting this legislation today.

I reserve the balance of my time.

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

Mr. WELLER of Illinois. Madam Speaker, it is my privilege to yield 1 minute to the distinguished Republican leader of the House, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague for yielding, and I rise to support the bill that we are working on to extend SSI benefits to really a vulnerable group.

But I also rise to express my disappointment in the opportunity that we had last night to pass a bipartisan energy bill that would in fact do all of the above. I am concerned that the bill that did pass last night will do none of the above in terms of moving us toward more energy security.

Frankly, I don't think that the bill that passed last night has any chance of moving in the United States Senate. I do believe if we were to pass the bipartisan Abercrombie-Peterson bill, that it was very likely the Senate could take the bill up and move it quickly, a bill that would create a million new jobs, that would lower gas prices and lower energy prices. But that didn't happen.

But I rise today to say we are not going away. There is an awful lot of talk moving around here that later on this week we may have to take up a stimulus bill, a lot of well-intentioned, well-meaning money, taxpayer money that we would be sending around the country.

I can't think of any better stimulus bill than to pass a bipartisan energy bill that would in fact create 1 million new jobs, would in fact lower gas prices, lower energy prices, help our manufacturers all around the country, and a bill that the American people desperately want.

While gas prices came down temporarily, we saw them shoot up in the midst of the hurricane because there is no additional supply. There is no relief valve, and if anybody sneezes around the world in the energy market, what happens? Our gas prices go up. And while oil prices were coming down in the short-term, we all know how vulnerable we are. So taking a real honest step toward preserving America's energy security I think is critically necessary.

If we really want to help the American people, help create jobs in our country, why not pass a bipartisan bill that will in fact do that.

Mr. McDERMOTT. I continue to reserve my time.

Mr. WELLER of Illinois. Madam Speaker, I include for the RECORD a letter signed by a large number of organizations throughout the country in support of the legislation that we have before the House today.

JUNE 28, 2007.

DEAR REPRESENTATIVE, Representing a diverse cross-section of organizations from across the country, we write to you today to ask that you support H.R.2608—the ''SSI Extension for Elderly and Disabled Refugees Act.'' This bipartisan bill is a critical lifeline to thousands of elderly and disabled refugees who are about to lose, or have already lost, their Supplemental Security Income (SSI) benefits due to the arbitrary seven-year time limit to which their eligibility is limited.

This bill, introduced by Representatives Jim McDermott (D–7th WA) and Jerry Weller (R–11th IL), Chair and Ranking Member, respectively, of the Ways & Means Subcommittee on Income Security and Family Support, will provide a two-year extension of SSI eligibility for elderly and disabled refugees, as well as a provision to cover those who lost benefits prior to enactment of the legislation. The bill will also ensure that refugees who are making efforts to become citizens, but are caught up in the processing backlogs through no fault of their own, are given additional time to naturalize. H.R.2608 will provide vital relief to thousands of refugees who have already fallen into extreme destitution.

The number of people who are losing their life-sustaining SSI benefits, in large part due to delays in the immigration system beyond their control, is climbing. The Social Security Administration currently projects that 50,000 elderly and disabled refugees will face extreme hardship and destitution by 2012 due to the suspension of their SSI benefits. These individuals fled persecution or torture in countries such as Iran, Russia, Iraq, Vietnam and Somalia, and now are too elderly or disabled to support themselves.

As more and more people begin to reach the end of their seven-year eligibility period, the human impact of this restrictive time limit has become increasingly dire and all the more intolerable. Some will lose health insurance as well, because SSI and Medicaid eligibility are typically linked. Among those who have already lost SSI benefits is a Jewish elderly couple from the former Soviet Union; the husband is deaf and the wife suffers from heart disease. However, this restriction does not affect only the elderly, as illustrated by the case of a 16 year-old Iranian boy with mental retardation, autism, seizures, and severe macrocephaly who lost his SSI benefits and Medicaid health insurance due to the seven-year time limit. These are only but two of the thousands of heartbreaking stories that we will continue to be confronted with unless Congress acts now to lengthen the insufficient eligibility period for this extremely vulnerable population.

The crisis is already upon us. Each and every month, elderly and disabled refugees are losing their lifeline of support. With the exception of West Virginia, no state is left untouched by this arbitrary time limit. Some 4,500 people will lose their SSI benefits in fiscal year 2007 alone. This bill enjoys bipartisan support, builds on similar proposals in recent Bush Administration budgets, and contains a savings provision that will cover the modest cost of the extension. Given the urgency of the situation and the life-threatening consequences that these individuals face, we strongly urge you to support the passage of H.R.2608 this year. We are hopeful that Congress will act quickly and decisively to prevent the unnecessary hardship that this already-victimized population stands to suffer. Thank you for your consideration.

Respectfully,

NATIONAL

American Academy of HIV; American Association of Homes and Services for the Aging; American Association of Jews from the Former USSR, Inc; American Association of People with Disabilities; American Federation of State, County and Municipal Employees; American Friends Service Committee; American Jewish Committee; American Network of Community Options and Resources; American Occupational Therapy Association; Americans for Democratic Action, Inc.; Asian American Justice Center; Asian Americans for Equality; Association of Jewish Family & Children's Agencies (AJFCA); Boat People SOS; Break the Chain Campaign; Campaign for Working Families; Catholic Charities USA; Center for Civil Justice; Disability Navigators Inc.

EESA-Eastern European Service Agency; Gay Men's Health Crisis; Hispanic Coalition; HIV Medicine Association; HIVictorious, Inc.; Hmong National Development, Inc.; Immigrant and Refugee Rights Program, Washington Lawyers' Committee for Civil Rights and Urban Affairs; Institute for Peace and Justice; Institute for Social and Economic Development (ISED); International AIDS Empowerment; International District Housing Alliance; International Rescue Committee; International Service Center; Jewish Council for Public Affairs; Jubilee Campaign USA Inc.; Justice, Peace & Integrity of Creation Office of the Wheaton Franciscans; Living Room, Inc.; Lutheran Immigration and Refugee Service (LIRS); Lutheran Services in America; 9 to 5, National Association of Working Women.

National Advocacy Center of the Sisters of the Good Shepherd; National Asian Pacific Center on Aging; National Coalition for Asian Pacific American Community Development; National Council of Jewish Women; National Council on Aging; National Immigration Forum; National Immigration Law Center; National Korean American Service & Education Consortium (NAKASEC); National Law Center on Homelessness & Poverty; National Priorities Project; National Senior Citizens Law Center; National Women's Law Center; NETWORK: A National Catholic Social Justice Lobby; New Sudan Generation; Northwest Health Law Advocates; Northwest Immigrant Rights Project; Progressive Jewish Alliance; Religious Action Center of Reform Judaism; RESULTS.

Sargent Shriver National Center on Poverty Law; Sisters of Mercy of the Americas; Southeast Asia Resource Action Center (SEARAC); The AIDS Institute; The Arc of the United States; The Coalition on Human Needs; The Leadership Conference of Women Religious; The National Asian Pacific American Women's Forum; The Women's Commission for Refugee Women and Children; The Workmen's Circle/Arbeter Ring; U.S. Committee for Refugees and Immigrants; Unitarian Universalist Association of Congregations; United Cerebral Palsy; United Jewish Communities; United Methodist Church, General Board of Church and Society; USAction; Wider Opportunities for Women; Women of Reform Judaism; Women of Reform Judaism; World Relief; YWCA USA.

LOCAL/STATE/REGIONAL

Alabama

Collat Jewish Family Services—Birmingham, Alabama.

Alaska

Alaska Center for Public Policy; Refugee Assistance & Immigration Services (RAIS)—Alaska;

Arizona

Area Agency on Aging, Region One-Phoenix, AZ; Arizona Advocacy Network; Jewish Family & Children's Service—Tucson, Arizona; Pima Council on Aging—Tucson, AZ; Protecting Arizona's Family Coalition; United Way of Tucson and Southern Arizona.

Arkansas

Holy Angels Convent—Arkansas; St. Augustine Catholic Church, North Little Rock, AR; St. Augustine Center for Children, Inc., North Little Rock, AR.

California

9to5 Bay Area; 9to5 Los Angeles; ACLU of Southern California; Asian Law Alliance—

San Jose, CA; Asian Law Caucus—Northern California; Asian Pacific American Legal Center of Southern California; Bay Area Immigrant Rights Coalition (BAIRC)—Oakland, CA; Bet Tzedek Legal Services—Los Angeles County; California Church IMPACT; California Immigrant Policy Center; Catholic Charities of Los Angeles, Inc; Center for Gender and Refugee Studies—San Francisco, CA; City of Los Angeles Human Relations Commission—Los Angeles, CA; *DisAbled Student Union* at Pacific School of Religion—Berkeley, CA; Ethiopian Community Services, Inc.—California; Fresno Stonewall Democrats—Fresno, CA; Gray Panthers California; HomeBase—San Francisco, CA; International Rescue Committee—San Diego Regional Resettlement Office; Jewish Community Federation of San Francisco, the Peninsula, Marin and Sonoma Counties; Jewish Family and Children's Services of San Francisco, the Peninsula, Marin and Sonoma Counties; Jewish Family and Children's Services of the East Bay—Berkley, California; Jewish Family Service of San Diego—California; Korean Resource Center, Los Angeles, CA; L.A. Gay & Lesbian Center— CA; Mental Health Advocacy Services, Inc.—Los Angeles; Palo Alto Association of Veterans of World War II, California; Progressive Jewish Alliance—California; Protection and Advocacy, Inc.—Sacramento, CA; Sacramento Mutual Housing Association, CA; San Diego Hunger Coalition—CA; San Francisco Bay Area Darfur Coalition—CA; Service Employees International Union Local 1021—Northern California; SIREN, Services, Immigrant Rights and Education Network—San Jose, CA; St. Mary's Center—Oakland, CA; St. Paul's Episcopal Church—San Rafael, CA; The International Institute of the Bay Area—CA; The Workmen's Circle/Arbeter Ring—Southern California District; Western Center on Law and Poverty—Los Angeles & Sacramento, CA.

Colorado

9to5 Colorado; Coloradans For Immigrant Rights, a project of the American Friends Service Committee; Colorado Progressive Coalition; RESULTS of Aurora, Colorado; Rocky Mountain Survivors Center—Denver, CO.

Connecticut

Catholic Charities, Diocese of Norwich, Inc—CT; Collaborative Center for Justice, Inc.—Hartford, CT; Connecticut Citizen Action Group; Connecticut Legal Services; International Institute of CT, Inc.—Bridgeport, CT; Jewish Family Services—Danbury, CT; People of Faith CT—West Hartford, CT; Regional Network of Programs Inc./Prospect House—Bridgeport, CT.

Florida

Catholic Charities Legal Services—Archdiocese of Miami, Inc.; Catholic Charities of Central Florida; Center for Independent Living of South Florida, Inc—Miami-Dade County, Florida; Florida Alliance Pro-Legalization; Florida Consumer Action Network; Florida Fiscal Policy Project—Miami, Florida; Florida Immigrant Advocacy Center; Gulfcoast Legal Services, Inc—FL; Hispanic American Council, Florida Alliance Pro-Legalization; Jewish Family Service Inc. of Broward County—Plantation, Florida; Jewish Federation of South Palm Beach County—FL; Legal Aid Society of the Orange County Bar Association, Orlando, Florida; Refugee Immigration Project, Jacksonville (FL) Area Legal Aid; St. Johns County Legal Aid—St. Augustine, FL; The Legal Aid Society of Palm Beach County, Inc; Youth Co-Op, Inc—Florida.

Georgia

Atlanta 9to5; Georgia Rural Urban Summit—Decatur, GA; Good Shepherd Services of Atlanta; Gwinnett Ministries Network—Gwinnett County, Georgia; Refugee Family Services—Stone Mountain, Georgia; Women Watch Afrika, Inc, Decatur, GA.

Hawaii

Na Loio—Immigrant Rights and Public Interest Legal Center—Honolulu, Hawaii.

Idaho

Agency for New Americans—Boise, Idaho; Idaho Office for Refugees; United Vision for Idaho.

Illinois

Citizen Action/Illinois; Commission on Religion & Race—Naperville IL; Grace United Methodist Church—Naperville IL; Heartland Alliance for Human Needs & Human Rights (Midwest region); Hebrew Immigrant Aid Society Chicago; Illinois Coalition for Immigrant and Refugee Rights; Jewish Federation of Metropolitan Chicago; Korean American Resource & Cultural Center, Chicago, IL; Project IRENE—Illinois; Protestants for the Common Good, Chicago, IL.

Indiana

CICOA Aging & In-Home Solutions, Indianapolis, IN.

Iowa

Iowa Citizen Action Network.

Kentucky

College Democrats of America—Morehead State University Chapter; Jewish Family & Vocational Service (Louisville, Kentucky); The Community Relations Council of the Jewish Community Federation of Louisville.

Louisiana

LA Harm Reduction Coalition—Louisiana.

Maine

Catholic Charities Maine Refugee & Immigration Services—Portland, ME; Immigrant Legal Advocacy Project, Portland, Maine; Legal Services for the Elderly—Scarborough, Maine; Maine Equal Justice Partners; Maine People's Alliance; Oganization to Win Economic Rights—Portland, Maine; The Jewish Federation of Greater Portland; Waterville Area Bridges for Peace and Justice—Waterville and surrounding communities.

Maryland

Jewish Family Services—Baltimore, Maryland; Maryland Association of Jews from the Former USSR; Maryland Vietnamese Mutual Association; Progressive Maryland; Public Justice Center—Baltimore MD; The Senior Connection of Montgomery County—Silver Spring, MD.

Massachusetts

Community Legal Services And Counseling Center in Cambridge, MA; Disability Law Center, Inc.—Boston, MA; First Congregational Church of Reading- Reading, MA; International Rescue Committee Boston Office; JALSA—the Jewish Alliance for Law and Social Action—Boston; Jewish Community Housing for the Elderly—Boston, MA; Jewish Community Relations Council of Greater Boston; Medical-Legal Partnership for Children Boston Medical Center; Strongest Link AIDS Services—Essex County, MA; Massachusetts Association of Jewish Federations.

Michigan

ACCESS (Arab Community Center for Economic and Social Services—Dearborn; Jewish Family Service—Detroit, Michigan; Jewish Family Services—Ann Arbor, Michigan; Michigan Citizen Action; Oakland County Welfare Rights Organization—Pontiac, MI; The IHM Justice, Peace and Sustainability Office, Michigan.

Minnesota

Jewish Community Action, St. Paul, MN; Lutheran Social Service of Minnesota; Mid-Minnesota Legal Assistance; National Council of Jewish Women—Minnetonka, MN; Vietnamese Social Services of Minnesota.

Missouri

Bi-Lingual International Assistant Services—St. Louis, MO; Catholic Charities Archdiocese of St. Louis; Jewish Vocational Service/Center for New Americans—Kansas City, MO; Missouri Association for Social Welfare; Missouri Budget Project—St. Louis, MO; Missouri Progressive Vote Coalition; Sisters of St. Joseph of Carondelet and Associates—Missouri; St. Louis Jewish Community Relations Council—St. Louis, MO.

Montana

Montana People's Action.

New Hampshire

New Hampshire Citizens Alliance.

New Jersey

Community FoodBank of New Jersey; Congregation Brothers of Israel—Long Branch, New Jersey; International Institute of New Jersey; International Institute of New Jersey; Jewish Federation of Monmouth County—NJ; Lutheran Office of Governmental Ministry in New Jersey; Migration and Refugee Services of the Diocese of Trenton—Trenton, NJ; New Jersey Citizen Action; Temple Shalom—Aberdeen, NJ; The Human Concerns/Social Justice Committee of St. Anselm's Church—Wayside, NJ; The Jewish Community Relations Council of the Jewish Federation of Southern New Jersey; The Workmen's Circle/Arbeter Ring, New Jersey Region; UJA Federation of Northern New Jersey.

New Mexico

Community Action New Mexico; Domestic Unity—New Mexico; Empowering Our Communities in New Mexico—Bernalillo, NM; New Mexico Center on Law and Poverty—Albuquerque, NM; New Mexico PACE; Open Hands—Sante Fe, NM; State of New Mexico's Human Services Department.

New York

Bellevue/NYU Program for Survivors of Torture—New York, NY; Bukharian Jewish Center, New York; Cathedral Emergency Services—Syracuse, NY; Center for Independence of the Disabled—New York; Citizen Action of New York; Claire Heureuse Community Center, Inc—New York; Coalition of Behavioral Health Agencies, Inc—New York; Community Healthcare Network—New York City; Community HIV AIDS Mobilization Project—CHAMP, New York; Disabled in Action of Greater Syracuse, New York; Empire Justice Center, New York; Episcopal Migration Ministries—NYC; Federation of Protestant Welfare Agencies—New York City; JBFCS, Manhattan North Community Counseling Center; Jewish Board of Family and Children's Services—New York, NY; Jewish Community Council of the Rockaway Peninsula—Far Rockaway, NY; Jewish Family Services ofNENY (Albany, New York); Legal Services for the Elderly, Disabled or Disadvantaged of Western New York, Inc.; Metro New York Health Care For All Campaign. Metropolitan Council on Jewish Poverty—NY; New York Association on Independent Living, Inc; New York City Department for the Aging; New York Disaster Interfaith Services; New York Immigration Coalition; Society of Jesus, New York Province—Albany, NY; Syracuse Habitat for Humanity, Inc—NY; The Central Queens Y&YWHA, Forest Hills, New York; The International Institute of Buffalo, NY; The Rockland Immigration Coalition—NY; UJA—Federation of New York; US Committee for Refugees and Immigrants Albany Feild Office—NY; West Side Campaign Against Hunger—New York; YKASEC—Empowering the Korean American Community, Flushing, NY.

North Carolina

Episcopal Migration Ministries—eastern North Carolina; North Carolina Refugee Health Coordinator.

North Dakota

NDPeople.org—North Dakota.

Ohio

Catholic Charities Health and Human Services of the Diocese of Cleveland; Greater Dayton Vietnamese Association—Greater Dayton, Ohio area; Jewish Family Service Association of Cleveland; Jewish Family Service of Toledo, Inc.—Toledo, Ohio; Jewish Family Services—Columbus, Ohio; Jewish Family Services—Youngstown, Ohio; Jewish Federation of Greater Dayton Jewish Community Relations Council—Dayton, Ohio; Lutheran Metropolitan Ministry—Cleveland, Ohio; Ohio Jewish Communities Refugee & Immigration Services—Columbus, OH.

Oklahoma

YWCA Multicultural Center—Tulsa, OK.

Oregon

Asian Pacific American Community Support and Service Association (APACSA)—Portland, OR; Community Action Directors of Oregon (CADO); Disability Navigators Inc—Oregon; Immigrant & Refugee Community Organization (IRCO)—Portland, Oregon; Interfaith Action for Justice—Bend, Oregon; Klamath Lake Community Action Servics—Klamath Falls, OR; Oregon Action; Peaceful Place—Oregon; The Advocacy Coalition for Seniors and People with Disabilities—OR; The Human Services Coalition of Oregon.

Pennsylvania

HIAS and Council Migration Service of Philadelphia; JCCs of Greater Philadelphia (Philadelphia, Pennsylvania); JEVS Human Services—Philadelphia; JEVS Social Services (Philadelphia, Pennsylvania); Jewish Family and Children's Services (Philadelphia, Pennsylvania); Jewish Family Service of Greater Wilkes-Barre (Wilkes-Barre, Pennsylvania); Jewish Federation of Greater Philadelphia (Philadelphia, Pennsylvania); Maternity Care Coalition—Philadelphia, PA; Mount St Joseph—St Elizabeth, PA; National Council of Jewish Women--PA; New World Association—Philadelphia, PA; Pennsylvania Refugee Resettlement Program; St. Johns Lutheran Church—Lewistown, PA; YWCA Philadelphia.

Rhode Island

National Association of Social Workers—Rhode Island Chapter; Rhode Island Ocean State Action.

South Carolina

Columbia Jewish Federation/Jewish Family Service—Columbia, SC; Jewish Family Service (Columbia, South Carolina).

South Dakota

Systematic Theology and Christian Heritage—Sioux Falls, SD.

Tennessee

Jewish Family Service of Nashville and Middle Tennessee; Tennessee Citizen Action.

Texas

Catholic Charities Diocese of Ft. Worth, Inc.; Jewish Family and Children's Service (San Antonio, Texas); Jewish Family Service (Houston, Texas); Refugio Del Rio Grande, Inc—San Benito, TX; South Texas Food Bank; Texas Conference United Methodist Church Board of Church & Society.

Utah

Jewish Family Service of Salt Lake; Learning Loft—Salt Lake Valley, Utah; Utah Community Action Partnership Association; Utah Housing Coalition.

Vermont

Central Vermont Community Action Council; Vermont Refugee Resettlement Program; VT Affordable Housing Coalition.

Virginia

Bay Aging—Urbanna, VA; Center for Multicultural Services—Falls Church, VA; Disabled Action Committee—Virginia; Potomac Legal Aid Society—Virginia; Rappahannock Area Agency on Aging, Inc.—Fredericksburg, VA; Union Theological Seminary and Presbyterian School for Christian Education—Richmond, VA.

Washington

Asian Counseling & Referral Service—Seattle, WA; Catholic Community Services of Western Washington; Jewish Family Service of Seattle (Seattle, Washington); Jewish Federation of Greater Seattle (Seattle, Washington); Solid Ground—Seattle, WA; South Sound Outreach Services—Tacoma, Washington; Washington Community Action Network; Washington Senior Citizens' Lobby—Olympia, WA.

Washington DC

Whitman-Walker Clinic—Washington, DC.

West Virginia

West Virginia Citizen Action Group.

Wisconsin

9to5 Poverty Network Initiative (Wisconsin); Citizen Action of Wisconsin; Milwaukee Association of Russian-speaking Jews; Milwaukee Jewish Council for Community Relations; UMOS, Inc—Milwaukee, WI; Wisconsin Jewish Conference.

I yield 3 minutes to my friend, the distinguished gentleman from Illinois (Mr. SHIMKUS).

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

Mr. SHIMKUS. Madam Speaker, I too join with our leader and all in the Chamber in support of this legislation. I actually have great respect for the ranking member here. We have had our fights, but I know he is a man of sincerity.

We are on the floor just to highlight the other challenges faced by those people who we are trying to help. SSI payments do not go far enough when we are under a regime of high energy prices, and, as I talked about in the last bill from this article here, gas prices confine sick people.

Again, as a former high school teacher on how a bill becomes a law, we should not be dancing in the well of the floor on the passage of a bill, nor should we be disappointed, those of us, with the outcome. The process still goes forward. Hopefully there will be a conference.

Hopefully there will be changes and we bring more supply to this energy debate. Because if we don't bring on more supply, and in my aspect coal-to-liquid technologies, the tar sands from Canada, we get a real bill that addresses where the oil is off the California coast, which is 50 miles less, not 50 miles out, and then we take those royalties to move into renewables, clean solar, wind, all of the above, we are going to have to continue to revisit all these spending regimes on social services based upon high energy costs.

So we come down here respectfully with the matter of the bill. It is needed. It is supported. We are all going to vote yes. But also to highlight the fact that there is much more to be done on the energy debate. And I am not one that says we are going to drive prices down to $1.50 a gallon. I never make those proclamations. What I would like to see is stabilization, instead of the swings that we will see.

I would also like to see us not be held captive to Mother Nature by having all our main assets in hurricane alley versus disbursed around the country, and in my case the coal-to-liquid refinery aspects, which would be very, very helpful.

This article says, ''Gas prices confine sick people. Some have to cut back on traveling, treatment such as dialysis, or chemotherapy.'' If that is what not having an energy plan that can be signed into law is doing to our most needful, then we have not done the right thing.

Mr. MCDERMOTT. I continue to reserve my time.

Mr. WELLER of Illinois. Madam Speaker, it is my privilege to yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I thank the gentleman from Illinois for yielding, and I do rise in support of H.R. 2608. But I wanted to take the opportunity, Madam Speaker, to talk about energy.

Obviously this is the main issue I think on the minds of most Americans today, and it has led, these high energy prices and dependency on foreign oil that we have been burdened by for lo these many years, since back when we knew this back in the seventies when we had a similar crisis and failed to do anything about it, and it has caused this economy, it is almost like a domino effect in my opinion, Madam Speaker, when you look at the high price of everything, the unemployment rate going up, what has happened on Wall Street, the meltdown in the subprime market.

So we felt and I think most of my colleagues would agree on both sides of the aisle that the energy crisis is our number one concern as we move into the fall elections and congressional elections. Obviously this is a Presidential year.

□ 1230

So my disappointment yesterday, when Speaker PELOSI, returning from the August recess, we, as you know, many on the Republican side, we invited our Democratic colleagues to join us, came back to Washington on a number of days. I think a total of 134 participated, some of us several times.

We had lots of folks down here sitting in the seats because a Member could bring people on the floor, even though the C–SPAN cameras were off, microphones were off, the lights were dim, and we had some in the gallery as well, and talked about this issue. We just couldn't wait for the rest of our colleagues to get back so we could do something.

This motion to recommit with instructions last night, the Abercrombie-

Peterson bill, I think, had 39 Democratic cosponsors, many, many, Republicans, and I think it was a very, very good piece of legislation that did not include ANWR. It carved out ANWR, realizing that was something we agreed to disagree on, and leave that out of the legislation.

But the most important part of the Peterson-Abercrombie bill that differed from what the majority party, as you know, brought to us for a final vote that did pass, it has no incentive whatsoever for the States to allow drilling off of their shores for the billions of gallons of petroleum and millions of cubic feet of natural gas, because they are sitting there thinking, well, gosh, on the gulf coast, Alabama, Texas and Louisiana are getting those royalties and putting them to good use, and we need that.

My State of Georgia, right now, we have 135 miles of shoreline, the great State of Georgia, and we are $1.5 billion short in this revenue year, this fiscal year. I am sure Georgia would be one of the very first to get in line if we had that included. I am disappointed.

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

Mr. WELLER of Illinois. Madam Speaker, I am happy to yield the gentleman 1 additional minute.

Mr. GINGREY. I don't know what is going to happen in the Senate today or tomorrow, but hopefully we can get a bill passed through the Senate that has more, more in it than the draft language that wasn't actually in bill form that came out in the Senate 5 or 6 weeks ago with a group of 10, now up to a group of 20.

It's still not too late for this Congress, House and Senate, to do something for the American people. I urge us to do that in a bipartisan way.

Look, let's do the right thing, and I think the election outcomes will take care of themselves. The good people that need to be here will come back, and the ones that don't, won't. Let's just do the right thing for the American people.

Mr. WELLER of Illinois. Madam Speaker, we have no additional speakers, so I would be happy to briefly close.

H.R. 2608 is bipartisan legislation. It's legislation designed to help those who need help. As my chairman noted, those who, frankly, benefit from this legislation have been victims of tyranny. Those who fought on the wrong side and, in many cases, they fought on the side of the United States and were forced to flee their country, they're elderly, they're disabled, and, frankly, they're people that came here legally.

So I want to ask my colleagues to do exactly what we did when we voted on this legislation before, to vote with strong, unanimous, bipartisan support of this important legislation.

I also want to thank my chairman for working in a bipartisan way to move this important legislation to the floor, to work with our colleagues in the Senate and the past legislation, which will become law with this vote today.

Madam Speaker, I urge bipartisan support for this legislation. I thank my chairman for the opportunity to work with him on this important legislation.

I yield back the balance of my time.

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

This bill allows Members to accomplish three objectives with a single vote, help needy refugees, cut taxes and reduce the Federal deficit. That's a trifecta that should draw support from every Member of the House.

But I want to conclude, really, with a story about one of the witnesses who came before our subcommittee. His came was K'Keng, and he fought alongside American forces during the Vietnam War. In fact, he was recruited and trained by our own special forces.

After the U.S. pulled out of Vietnam, he was imprisoned for 6 years as a political prisoner, after which he ultimately made his transfer to the United States as a refugee. He tried working, but the wounds he had suffered during the war made that difficult.

Based on his disability, and the fact that he had almost no source of income, he began receiving supplemental security income, or SSI benefits. For those benefits, he had those benefits, but they were terminated when he reached the 7-year limit on SSI for refugees.

There are thousands of other refugees who have taken different paths to get here, but their basic story is the same. They fled persecution, they now reside legally in the United States, they are disabled or elderly, and they need our help.

This bill will provide them just the assistance, without raising the Federal deficit by a single dime. In fact, the anti-fraud provisions in this bill reduce the debt by nearly $100 million and cut taxes by over $300 million.

I urge all Members to support this bipartisan legislation, to help the needy, cut taxes and reduce our debt.

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 Washington (Mr. McDERMOTT) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2608.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008

Mr. McDERMOTT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6893) to amend parts B and E of title IV of the Social Security Act to connect and support relative caregivers, improve outcomes for children in foster care, provide for tribal foster care and adoption access, improve incentives for adoption, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6893

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 ''Fostering Connections to Success and Increasing Adoptions Act of 2008''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—CONNECTING AND SUPPORTING RELATIVE CAREGIVERS

Sec. 101. Kinship guardianship assistance payments for children.
Sec. 102. Family connection grants.
Sec. 103. Notification of relatives.
Sec. 104. Licensing standards for relatives.
Sec. 105. Authority for comparisons and disclosures of information in the Federal Parent Locator Service for child welfare, foster care, and adoption assistance program purposes.

TITLE II—IMPROVING OUTCOMES FOR CHILDREN IN FOSTER CARE

Sec. 201. State option for children in foster care, and certain children in an adoptive or guardianship placement, after attaining age 18.
Sec. 202. Transition plan for children aging out of foster care.
Sec. 203. Short-term training for child welfare agencies, relative guardians, and court personnel.
Sec. 204. Educational stability.
Sec. 205. Health oversight and coordination plan.
Sec. 206. Sibling placement.

TITLE III—TRIBAL FOSTER CARE AND ADOPTION ACCESS

Sec. 301. Equitable access for foster care and adoption services for Indian children in tribal areas.
Sec. 302. Technical assistance and implementation.

TITLE IV—IMPROVEMENT OF INCENTIVES FOR ADOPTION

Sec. 401. Adoption incentives program.
Sec. 402. Promotion of adoption of children with special needs.
Sec. 403. Information on adoption tax credit.

TITLE V—CLARIFICATION OF UNIFORM DEFINITION OF CHILD AND OTHER PROVISIONS

Sec. 501. Clarification of uniform definition of child.
Sec. 502. Investment of operating cash.
Sec. 503. No Federal funding to unlawfully present individuals.

TITLE VI—EFFECTIVE DATE

Sec. 601. Effective date.

TITLE I—CONNECTING AND SUPPORTING RELATIVE CAREGIVERS

SEC. 101. KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS FOR CHILDREN.

(a) STATE PLAN OPTION.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking ''and'' at the end of paragraph (26);

(2) by striking the period at the end of paragraph (27) and inserting ''; and''; and

(3) by adding at the end the following:

''(28) at the option of the State, provides for the State to enter into kinship guardianship assistance agreements to provide kinship guardianship assistance payments on behalf of children to grandparents and other relatives who have assumed legal guardianship of the children for whom they have cared as foster parents and for whom they have committed to care on a permanent basis, as provided in section 473(d).''.

(b) IN GENERAL.—Section 473 of such Act (42 U.S.C. 673) is amended by adding at the end the following:

''(d) KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS FOR CHILDREN.—

''(1) KINSHIP GUARDIANSHIP ASSISTANCE AGREEMENT.—

''(A) IN GENERAL.—In order to receive payments under section 474(a)(5), a State shall—

''(i) negotiate and enter into a written, binding kinship guardianship assistance agreement with the prospective relative guardian of a child who meets the requirements of this paragraph; and

''(ii) provide the prospective relative guardian with a copy of the agreement.

''(B) MINIMUM REQUIREMENTS.—The agreement shall specify, at a minimum—

''(i) the amount of, and manner in which, each kinship guardianship assistance payment will be provided under the agreement, and the manner in which the payment may be adjusted periodically, in consultation with the relative guardian, based on the circumstances of the relative guardian and the needs of the child;

''(ii) the additional services and assistance that the child and relative guardian will be eligible for under the agreement;

''(iii) the procedure by which the relative guardian may apply for additional services as needed; and

''(iv) subject to subparagraph (D), that the State will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child, to the extent the total cost does not exceed $2,000.

''(C) INTERSTATE APPLICABILITY.—The agreement shall provide that the agreement shall remain in effect without regard to the State residency of the relative guardian.

''(D) NO EFFECT ON FEDERAL REIMBURSEMENT.—Nothing in subparagraph (B)(iv) shall be construed as affecting the ability of the State to obtain reimbursement from the Federal Government for costs described in that subparagraph.

''(2) LIMITATIONS ON AMOUNT OF KINSHIP GUARDIANSHIP ASSISTANCE PAYMENT.—A kinship guardianship assistance payment on behalf of a child shall not exceed the foster care maintenance payment which would have been paid on behalf of the child if the child had remained in a foster family home.

''(3) CHILD'S ELIGIBILITY FOR A KINSHIP GUARDIANSHIP ASSISTANCE PAYMENT.—

''(A) IN GENERAL.—A child is eligible for a kinship guardianship assistance payment under this subsection if the State agency determines the following:

''(i) The child has been—

''(I) removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and

''(II) eligible for foster care maintenance payments under section 472 while residing for at least 6 consecutive months in the home of the prospective relative guardian.

''(ii) Being returned home or adopted are not appropriate permanency options for the child.

''(iii) The child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child.

''(iv) With respect to a child who has attained 14 years of age, the child has been consulted regarding the kinship guardianship arrangement.

''(B) TREATMENT OF SIBLINGS.—With respect to a child described in subparagraph (A) whose sibling or siblings are not so described—

''(i) the child and any sibling of the child may be placed in the same kinship guardianship arrangement, in accordance with section 471(a)(31), if the State agency and the relative agree on the appropriateness of the arrangement for the siblings; and

''(ii) kinship guardianship assistance payments may be paid on behalf of each sibling so placed.''.

(c) CONFORMING AMENDMENTS.—

(1) ELIGIBILITY FOR ADOPTION ASSISTANCE PAYMENTS.—Section 473(a)(2) of such Act (42 U.S.C. 673(a)(2)) is amended by adding at the end the following:

''(D) In determining the eligibility for adoption assistance payments of a child in a legal guardianship arrangement described in section 471(a)(28), the placement of the child with the relative guardian involved and any kinship guardianship assistance payments made on behalf of the child shall be considered never to have been made.''.

(2) STATE PLAN REQUIREMENT.—

(A) IN GENERAL.—Section 471(a)(20) of such Act (42 U.S.C. 671(a)(20)) is amended—

(i) by adding ''and'' at the end of subparagraph (C); and

(ii) by adding at the end the following:

''(D) provides procedures for criminal records checks, including fingerprint-based checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), on any relative guardian, and for checks described in subparagraph (C) of this paragraph on any relative guardian and any other adult living in the home of any relative guardian, before the relative guardian may receive kinship guardianship assistance payments on behalf of the child under the State plan under this part;''.

(B) REDESIGNATION OF NEW PROVISION AFTER AMENDMENT MADE BY PRIOR LAW TAKES EFFECT.—

(i) IN GENERAL.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(I) in subparagraph (D), by striking ''(C)'' and inserting ''(B)''; and

(II) by redesignating subparagraph (D) as subparagraph (C).

(ii) EFFECTIVE DATE.—The amendments made by clause (i) shall take effect immediately after the amendments made by section 152 of Public Law 109–248 take effect.

(3) PAYMENTS TO STATES.—Section 474(a) of such Act (42 U.S.C. 674(a)) is amended—

(A) by striking the period at the end and inserting ''; plus''; and

(B) by adding at the end the following:

''(5) an amount equal to the percentage by which the expenditures referred to in paragraph (2) of this subsection are reimbursed of the total amount expended during such quarter as kinship guardianship assistance payments under section 473(d) pursuant to kinship guardianship assistance agreements.''.

(4) CASE PLAN REQUIREMENTS.—Section 475(1) of such Act (42 U.S.C. 675(1)) is amended by adding at the end the following:

''(F) In the case of a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardianship assistance payments under section 473(d), a description of—

''(i) the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;

''(ii) the reasons for any separation of siblings during placement;

''(iii) the reasons why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests;

''(iv) the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment;

''(v) the efforts the agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons therefor; and

''(vi) the efforts made by the State agency to discuss with the child's parent or parents the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.''.

(5) SECTION HEADING AMENDMENT.—The section heading for section 473 of such Act (42 U.S.C. 673) is amended by inserting ''AND GUARDIANSHIP'' after ''ADOPTION''.

(d) CONTINUED SERVICES UNDER WAIVER.—Section 474 of such Act (42 U.S.C. 674) is amended by adding at the end the following:

''(g) For purposes of this part, after the termination of a demonstration project relating to guardianship conducted by a State under section 1130, the expenditures of the State for the provision, to children who, as of September 30, 2008, were receiving assistance or services under the project, of the same assistance and services under the same terms and conditions that applied during the conduct of the project, are deemed to be expenditures under the State plan approved under this part.''.

(e) ELIGIBILITY FOR INDEPENDENT LIVING SERVICES AND EDUCATION AND TRAINING VOUCHERS FOR CHILDREN WHO EXIT FOSTER CARE FOR RELATIVE GUARDIANSHIP OR ADOPTION AFTER AGE 16.—

(1) INDEPENDENT LIVING SERVICES.—Section 477(a) of such Act (42 U.S.C. 677(a)) is amended—

(A) by striking ''and'' at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(C) by adding at the end the following:

''(7) to provide the services referred to in this subsection to children who, after attaining 16 years of age, have left foster care for kinship guardianship or adoption.''.

(2) EDUCATION AND TRAINING VOUCHERS.—Section 477(i)(2) of such Act (42 U.S.C. 677(i)(2)) is amended by striking ''adopted from foster care after attaining age 16'' and inserting ''who, after attaining 16 years of age, are adopted from, or enter kinship guardianship from, foster care''.

(f) CATEGORICAL ELIGIBILITY FOR MEDICAID.—Section 473(b)(3) of such Act (42 U.S.C. 673(b)(3)) is amended—

(1) in subparagraph (A)(ii), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period and inserting '', or''; and

(3) by adding at the end the following:

''(C) with respect to whom kinship guardianship assistance payments are being made pursuant to subsection (d).''.

SEC. 102. FAMILY CONNECTION GRANTS.

(a) IN GENERAL.—Part B of title IV of the Social Security Act (42 U.S.C. 620–629i) is amended by inserting after section 426 the following:

''SEC. 427. FAMILY CONNECTION GRANTS.

''(a) IN GENERAL.—The Secretary of Health and Human Services may make matching grants to State, local, or tribal child welfare agencies, and private nonprofit organizations that have experience in working with foster children or children in kinship care arrangements, for the purpose of helping children

who are in, or at risk of entering, foster care reconnect with family members through the implementation of—

''(1) a kinship navigator program to assist kinship caregivers in learning about, finding, and using programs and services to meet the needs of the children they are raising and their own needs, and to promote effective partnerships among public and private agencies to ensure kinship caregiver families are served, which program—

''(A) shall be coordinated with other State or local agencies that promote service coordination or provide information and referral services, including the entities that provide 2–1–1 or 3–1–1 information systems where available, to avoid duplication or fragmentation of services to kinship care families;

''(B) shall be planned and operated in consultation with kinship caregivers and organizations representing them, youth raised by kinship caregivers, relevant government agencies, and relevant community-based or faith-based organizations;

''(C) shall establish information and referral systems that link (via toll-free access) kinship caregivers, kinship support group facilitators, and kinship service providers to—

''(i) each other;

''(ii) eligibility and enrollment information for Federal, State, and local benefits;

''(iii) relevant training to assist kinship caregivers in caregiving and in obtaining benefits and services; and

''(iv) relevant legal assistance and help in obtaining legal services;

''(D) shall provide outreach to kinship care families, including by establishing, distributing, and updating a kinship care website, or other relevant guides or outreach materials;

''(E) shall promote partnerships between public and private agencies, including schools, community based or faith-based organizations, and relevant government agencies, to increase their knowledge of the needs of kinship care families to promote better services for those families;

''(F) may establish and support a kinship care ombudsman with authority to intervene and help kinship caregivers access services; and

''(G) may support any other activities designed to assist kinship caregivers in obtaining benefits and services to improve their caregiving;

''(2) intensive family-finding efforts that utilize search technology to find biological family members for children in the child welfare system, and once identified, work to reestablish relationships and explore ways to find a permanent family placement for the children;

''(3) family group decision-making meetings for children in the child welfare system, that—

''(A) enable families to make decisions and develop plans that nurture children and protect them from abuse and neglect, and

''(B) when appropriate, shall address domestic violence issues in a safe manner and facilitate connecting children exposed to domestic violence to appropriate services, including reconnection with the abused parent when appropriate; or

''(4) residential family treatment programs that—

''(A) enable parents and their children to live in a safe environment for a period of not less than 6 months; and

''(B) provide, on-site or by referral, substance abuse treatment services, children's early intervention services, family counseling, medical, and mental health services, nursery and pre-school, and other services that are designed to provide comprehensive treatment that supports the family.

''(b) APPLICATIONS.—An entity desiring to receive a matching grant under this section shall submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a description of how the grant will be used to implement 1 or more of the activities described in subsection (a);

''(2) a description of the types of children and families to be served, including how the children and families will be identified and recruited, and an initial projection of the number of children and families to be served;

''(3) if the entity is a private organization—

''(A) documentation of support from the relevant local or State child welfare agency; or

''(B) a description of how the organization plans to coordinate its services and activities with those offered by the relevant local or State child welfare agency; and

''(4) an assurance that the entity will cooperate fully with any evaluation provided for by the Secretary under this section.

''(c) LIMITATIONS.—

''(1) GRANT DURATION.—The Secretary may award a grant under this section for a period of not less than 1 year and not more than 3 years.

''(2) NUMBER OF NEW GRANTEES PER YEAR.—The Secretary may not award a grant under this section to more than 30 new grantees each fiscal year.

''(d) FEDERAL CONTRIBUTION.—The amount of a grant payment to be made to a grantee under this section during each year in the grant period shall be the following percentage of the total expenditures proposed to be made by the grantee in the application approved by the Secretary under this section:

''(1) 75 percent, if the payment is for the 1st or 2nd year of the grant period.

''(2) 50 percent, if the payment is for the 3rd year of the grant period.

''(e) FORM OF GRANTEE CONTRIBUTION.—A grantee under this section may provide not more than 50 percent of the amount which the grantee is required to expend to carry out the activities for which a grant is awarded under this section in kind, fairly evaluated, including plant, equipment, or services.

''(f) USE OF GRANT.—A grantee under this section shall use the grant in accordance with the approved application for the grant.

''(g) RESERVATIONS OF FUNDS.—

''(1) KINSHIP NAVIGATOR PROGRAMS.—The Secretary shall reserve $5,000,000 of the funds made available under subsection (h) for each fiscal year for grants to implement kinship navigator programs described in subsection (a)(1).

''(2) EVALUATION.—The Secretary shall reserve 3 percent of the funds made available under subsection (h) for each fiscal year for the conduct of a rigorous evaluation of the activities funded with grants under this section.

''(3) TECHNICAL ASSISTANCE.—The Secretary may reserve 2 percent of the funds made available under subsection (h) for each fiscal year to provide technical assistance to recipients of grants under this section.

''(h) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary for purposes of making grants under this section $15,000,000 for each of fiscal years 2009 through 2013.''.

(b) CONFORMING AMENDMENT.—Section 425 of such Act (42 U.S.C. 625) is amended by inserting ''(other than sections 426, 427, and 429)'' after ''this subpart''.

(c) RENAMING OF PROGRAM.—The subpart heading for subpart 1 of part B of title IV of such Act is amended to read as follows:

''Subpart 1—Stephanie Tubbs Jones Child Welfare Services Program''.

SEC. 103. NOTIFICATION OF RELATIVES.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by section 101(a) of this Act, is amended—

(1) by striking ''and'' at the end of paragraph (27);

(2) by striking the period at the end of paragraph (28) and inserting ''; and''; and

(3) by adding at the end the following:

''(29) provides that, within 30 days after the removal of a child from the custody of the parent or parents of the child, the State shall exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of the child (including any other adult relatives suggested by the parents), subject to exceptions due to family or domestic violence, that—

''(A) specifies that the child has been or is being removed from the custody of the parent or parents of the child;

''(B) explains the options the relative has under Federal, State, and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;

''(C) describes the requirements under paragraph (10) of this subsection to become a foster family home and the additional services and supports that are available for children placed in such a home; and

''(D) if the State has elected the option to make kinship guardianship assistance payments under paragraph (28) of this subsection, describes how the relative guardian of the child may subsequently enter into an agreement with the State under section 473(d) to receive the payments.''.

SEC. 104. LICENSING STANDARDS FOR RELATIVES.

(a) STATE PLAN AMENDMENT.—Section 471(a)(10) of the Social Security Act (42 U.S.C. 671(a)(10)) is amended—

(1) by striking ''and provides'' and inserting ''provides''; and

(2) by inserting before the semicolon the following: '', and provides that a waiver of any such standard may be made only on a case-by-case basis for non-safety standards (as determined by the State) in relative foster family homes for specific children in care''.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that includes the following:

(1) Nationally and for each State, the number and percentage of children in foster care placed in licensed relative foster family homes and the number and percentage of such children placed in unlicensed relative foster family homes.

(2) The frequency with which States grant case-by-case waivers of non-safety licensing standards for relative foster family homes.

(3) The types of non-safety licensing standards waived.

(4) An assessment of how such case-by-case waivers of non-safety licensing standards have affected children in foster care, including their safety, permanency, and well-being.

(5) A review of any reasons why relative foster family homes may not be able to be licensed, despite State authority to grant such case-by-case waivers of non-safety licensing standards.

(6) Recommendations for administrative or legislative actions that may increase the percentage of relative foster family homes that are licensed while ensuring the safety of children in foster care and improving their permanence and well-being.

SEC. 105. AUTHORITY FOR COMPARISONS AND DISCLOSURES OF INFORMATION IN THE FEDERAL PARENT LOCATOR SERVICE FOR CHILD WELFARE, FOSTER CARE, AND ADOPTION ASSISTANCE PROGRAM PURPOSES.

Section 453(j)(3) of the Social Security Act (42 U.S.C. 653(j)) is amended, in the matter preceding subparagraph (A), by inserting '', part B, or part E'' after ''this part''.

TITLE II—IMPROVING OUTCOMES FOR CHILDREN IN FOSTER CARE

SEC. 201. STATE OPTION FOR CHILDREN IN FOSTER CARE, AND CERTAIN CHILDREN IN AN ADOPTIVE OR GUARDIANSHIP PLACEMENT, AFTER ATTAINING AGE 18.

(a) DEFINITION OF CHILD.—Section 475 of the Social Security Act (42 U.S.C. 675) is amended by adding at the end the following:

''(8)(A) Subject to subparagraph (B), the term 'child' means an individual who has not attained 18 years of age.

''(B) At the option of a State, the term shall include an individual—

''(i)(I) who is in foster care under the responsibility of the State;

''(II) with respect to whom an adoption assistance agreement is in effect under section 473 if the child had attained 16 years of age before the agreement became effective; or

''(III) with respect to whom a kinship guardianship assistance agreement is in effect under section 473(d) if the child had attained 16 years of age before the agreement became effective;

''(ii) who has attained 18 years of age;

''(iii) who has not attained 19, 20, or 21 years of age, as the State may elect; and

''(iv) who is—

''(I) completing secondary education or a program leading to an equivalent credential;

''(II) enrolled in an institution which provides post-secondary or vocational education;

''(III) participating in a program or activity designed to promote, or remove barriers to, employment;

''(IV) employed for at least 80 hours per month; or

''(V) incapable of doing any of the activities described in subclauses (I) through (IV) due to a medical condition, which incapability is supported by regularly updated information in the case plan of the child.''.

(b) CONFORMING AMENDMENT TO DEFINITION OF CHILD-CARE INSTITUTION.—Section 472(c)(2) of such Act (42 U.S.C. 672(c)(2)) is amended by inserting ''except, in the case of a child who has attained 18 years of age, the term shall include a supervised setting in which the individual is living independently, in accordance with such conditions as the Secretary shall establish in regulations,'' before ''but''.

(c) CONFORMING AMENDMENTS TO AGE LIMITS APPLICABLE TO CHILDREN ELIGIBLE FOR ADOPTION ASSISTANCE OR KINSHIP GUARDIANSHIP ASSISTANCE.—Section 473(a)(4) of such Act (42 U.S.C. 673(a)(4)) is amended to read as follows:

''(4)(A) Notwithstanding any other provision of this section, a payment may not be made pursuant to this section to parents or relative guardians with respect to a child—

''(i) who has attained—

''(I) 18 years of age, or such greater age as the State may elect under section 475(8)(B)(iii); or

''(II) 21 years of age, if the State determines that the child has a mental or physical handicap which warrants the continuation of assistance;

''(ii) who has not attained 18 years of age, if the State determines that the parents or relative guardians, as the case may be, are no longer legally responsible for the support of the child; or

''(iii) if the State determines that the child is no longer receiving any support from the parents or relative guardians, as the case may be.

''(B) Parents or relative guardians who have been receiving adoption assistance payments or kinship guardianship assistance payments under this section shall keep the State or local agency administering the program under this section informed of circumstances which would, pursuant to this subsection, make them ineligible for the payments, or eligible for the payments in a different amount.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 202. TRANSITION PLAN FOR CHILDREN AGING OUT OF FOSTER CARE.

Section 475(5) of the Social Security Act (42 U.S.C. 675) is amended—

(1) in subparagraph (F)(ii), by striking ''and'' at the end;

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

(3) by adding at the end the following:

''(H) during the 90-day period immediately prior to the date on which the child will attain 18 years of age, or such greater age as the State may elect under paragraph (8)(B)(iii), whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under section 477, a caseworker on the staff of the State agency, and, as appropriate, other representatives of the child provide the child with assistance and support in developing a transition plan that is personalized at the direction of the child, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, and is as detailed as the child may elect.''.

SEC. 203. SHORT-TERM TRAINING FOR CHILD WELFARE AGENCIES, RELATIVE GUARDIANS, AND COURT PERSONNEL.

(a) IN GENERAL.—Section 474(a)(3)(B) of the Social Security Act (42 U.S.C. 674(a)(3)(B)) is amended—

(1) by inserting ''or relative guardians'' after ''adoptive parents'';

(2) by striking ''and the members'' and inserting '', the members'';

(3) by inserting '', or State-licensed or State-approved child welfare agencies providing services,'' after ''providing care'';

(4) by striking ''foster and adopted'' the 1st place it appears;

(5) by inserting ''and members of the staff of abuse and neglect courts, agency attorneys, attorneys representing children or parents, guardians ad litem, or other court-appointed special advocates representing children in proceedings of such courts,'' after ''part,'';

(6) by inserting ''guardians,'' before ''staff members,'';

(7) by striking ''and institutions'' and inserting ''institutions, attorneys, and advocates''; and

(8) by inserting ''and children living with relative guardians'' after ''foster and adopted children'' the 2nd place it appears.

(b) PHASE-IN.—With respect to an expenditure described in section 474(a)(3)(B) of the Social Security Act by reason of an amendment made by subsection (a) of this section, in lieu of the percentage set forth in such section 474(a)(3)(B), the percentage that shall apply is—

(1) 55 percent, if the expenditure is made in fiscal year 2009;

(2) 60 percent, if the expenditure is made in fiscal year 2010;

(3) 65 percent, if the expenditure is made in fiscal year 2011; or

(4) 70 percent, if the expenditure is made in fiscal year 2012.

SEC. 204. EDUCATIONAL STABILITY.

(a) IN GENERAL.—Section 475 of the Social Security Act (42 U.S.C. 675), as amended by section 101(c)(4) of this Act, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking clause (iv) and redesignating clauses (v) through (viii) as clauses (iv) through (vii), respectively; and

(B) by adding at the end the following:

''(G) A plan for ensuring the educational stability of the child while in foster care, including—

''(i) assurances that the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and

''(ii)(I) an assurance that the State agency has coordinated with appropriate local educational agencies (as defined under section 9101 of the Elementary and Secondary Education Act of 1965) to ensure that the child remains in the school in which the child is enrolled at the time of placement; or

''(II) if remaining in such school is not in the best interests of the child, assurances by the State agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.''; and

(2) in the 1st sentence of paragraph (4)(A)—

(A) by striking ''and reasonable'' and inserting ''reasonable''; and

(B) by inserting '', and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement'' before the period.

(b) EDUCATIONAL ATTENDANCE REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 101(a) and 103 of this Act, is amended—

(1) by striking ''and'' at the end of paragraph (28);

(2) by striking the period at the end of paragraph (29) and inserting ''; and''; and

(3) by adding at the end the following:

''(30) provides assurances that each child who has attained the minimum age for compulsory school attendance under State law and with respect to whom there is eligibility for a payment under the State plan is a full-time elementary or secondary school student or has completed secondary school, and for purposes of this paragraph, the term 'elementary or secondary school student' means, with respect to a child, that the child is—

''(A) enrolled (or in the process of enrolling) in an institution which provides elementary or secondary education, as determined under the law of the State or other jurisdiction in which the institution is located;

''(B) instructed in elementary or secondary education at home in accordance with a home school law of the State or other jurisdiction in which the home is located;

''(C) in an independent study elementary or secondary education program in accordance with the law of the State or other jurisdiction in which the program is located, which is administered by the local school or school district; or

''(D) incapable of attending school on a full-time basis due to the medical condition of the child, which incapability is supported by regularly updated information in the case plan of the child.''.

SEC. 205. HEALTH OVERSIGHT AND COORDINATION PLAN.

Section 422(b)(15) of the Social Security Act (42 U.S.C. 622(b)(15)) is amended to read as follows:

''(15)(A) provides that the State will develop, in coordination and collaboration with

the State agency referred to in paragraph (1) and the State agency responsible for administering the State plan approved under title XIX, and in consultation with pediatricians, other experts in health care, and experts in and recipients of child welfare services, a plan for the ongoing oversight and coordination of health care services for any child in a foster care placement, which shall ensure a coordinated strategy to identify and respond to the health care needs of children in foster care placements, including mental health and dental health needs, and shall include an outline of—

''(i) a schedule for initial and follow-up health screenings that meet reasonable standards of medical practice;

''(ii) how health needs identified through screenings will be monitored and treated;

''(iii) how medical information for children in care will be updated and appropriately shared, which may include the development and implementation of an electronic health record;

''(iv) steps to ensure continuity of health care services, which may include the establishment of a medical home for every child in care;

''(v) the oversight of prescription medicines; and

''(vi) how the State actively consults with and involves physicians or other appropriate medical or non-medical professionals in assessing the health and well-being of children in foster care and in determining appropriate medical treatment for the children; and

''(B) subparagraph (A) shall not be construed to reduce or limit the responsibility of the State agency responsible for administering the State plan approved under title XIX to administer and provide care and services for children with respect to whom services are provided under the State plan developed pursuant to this subpart;''.

SEC. 206. SIBLING PLACEMENT.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 101(a), 103, and 204(b) of this Act, is amended—

(1) by striking ''and'' at the end of paragraph (29);

(2) by striking the period at the end of paragraph (30) and inserting ''; and''; and

(3) by adding at the end the following:

''(31) provides that reasonable efforts shall be made—

''(A) to place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the State documents that such a joint placement would be contrary to the safety or well-being of any of the siblings; and

''(B) in the case of siblings removed from their home who are not so jointly placed, to provide for frequent visitation or other ongoing interaction between the siblings, unless that State documents that frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings.''.

TITLE III—TRIBAL FOSTER CARE AND ADOPTION ACCESS

SEC. 301. EQUITABLE ACCESS FOR FOSTER CARE AND ADOPTION SERVICES FOR INDIAN CHILDREN IN TRIBAL AREAS.

(a) AUTHORITY FOR DIRECT PAYMENT OF FEDERAL TITLE IV–E FUNDS FOR PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.—

(1) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

''SEC. 479B. PROGRAMS OPERATED BY INDIAN TRIBAL ORGANIZATIONS.

''(a) DEFINITIONS OF INDIAN TRIBE; TRIBAL ORGANIZATIONS.—In this section, the terms 'Indian tribe' and 'tribal organization' have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(b) AUTHORITY.—Except as otherwise provided in this section, this part shall apply in the same manner as this part applies to a State to an Indian tribe, tribal organization, or tribal consortium that elects to operate a program under this part and has a plan approved by the Secretary under section 471 in accordance with this section.

''(c) PLAN REQUIREMENTS.—

''(1) IN GENERAL.—An Indian tribe, tribal organization, or tribal consortium that elects to operate a program under this part shall include with its plan submitted under section 471 the following:

''(A) FINANCIAL MANAGEMENT.—Evidence demonstrating that the tribe, organization, or consortium has not had any uncorrected significant or material audit exceptions under Federal grants or contracts that directly relate to the administration of social services for the 3-year period prior to the date on which the plan is submitted.

''(B) SERVICE AREAS AND POPULATIONS.—For purposes of complying with section 471(a)(3), a description of the service area or areas and populations to be served under the plan and an assurance that the plan shall be in effect in all service area or areas and for all populations served by the tribe, organization, or consortium.

''(C) ELIGIBILITY.—

''(i) IN GENERAL.—Subject to clause (ii) of this subparagraph, an assurance that the plan will provide—

''(I) foster care maintenance payments under section 472 only on behalf of children who satisfy the eligibility requirements of section 472(a);

''(II) adoption assistance payments under section 473 pursuant to adoption assistance agreements only on behalf of children who satisfy the eligibility requirements for such payments under that section; and

''(III) at the option of the tribe, organization, or consortium, kinship guardianship assistance payments in accordance with section 473(d) only on behalf of children who meet the requirements of section 473(d)(3).

''(ii) SATISFACTION OF FOSTER CARE ELIGIBILITY REQUIREMENTS.—For purposes of determining whether a child whose placement and care are the responsibility of an Indian tribe, tribal organization, or tribal consortium with a plan approved under section 471 in accordance with this section satisfies the requirements of section 472(a), the following shall apply:

''(I) USE OF AFFIDAVITS, ETC.—Only with respect to the first 12 months for which such plan is in effect, the requirement in paragraph (1) of section 472(a) shall not be interpreted so as to prohibit the use of affidavits or nunc pro tunc orders as verification documents in support of the reasonable efforts and contrary to the welfare of the child judicial determinations required under that paragraph.

''(II) AFDC ELIGIBILITY REQUIREMENT.—The State plan approved under section 402 (as in effect on July 16, 1996) of the State in which the child resides at the time of removal from the home shall apply to the determination of whether the child satisfies section 472(a)(3).

''(D) OPTION TO CLAIM IN-KIND EXPENDITURES FROM THIRD-PARTY SOURCES FOR NON-FEDERAL SHARE OF ADMINISTRATIVE AND TRAINING COSTS DURING INITIAL IMPLEMENTATION PERIOD.—Only for fiscal year quarters beginning after September 30, 2009, and before October 1, 2014, a list of the in-kind expenditures (which shall be fairly evaluated, and may include plants, equipment, administration, or services) and the third-party sources of such expenditures that the tribe, organization, or consortium may claim as part of the non-Federal share of administrative or training expenditures attributable to such quarters for purposes of receiving payments under section 474(a)(3). The Secretary shall permit a tribe, organization, or consortium to claim in-kind expenditures from third party sources for such purposes during such quarters subject to the following:

''(i) NO EFFECT ON AUTHORITY FOR TRIBES, ORGANIZATIONS, OR CONSORTIA TO CLAIM EXPENDITURES OR INDIRECT COSTS TO THE SAME EXTENT AS STATES.—Nothing in this subparagraph shall be construed as preventing a tribe, organization, or consortium from claiming any expenditures or indirect costs for purposes of receiving payments under section 474(a) that a State with a plan approved under section 471(a) could claim for such purposes.

''(ii) FISCAL YEAR 2010 OR 2011.—

''(I) EXPENDITURES OTHER THAN FOR TRAINING.—With respect to amounts expended during a fiscal year quarter beginning after September 30, 2009, and before October 1, 2011, for which the tribe, organization, or consortium is eligible for payments under subparagraph (C), (D), or (E) of section 474(a)(3), not more than 25 percent of such amounts may consist of in-kind expenditures from third-party sources specified in the list required under this subparagraph to be submitted with the plan.

''(II) TRAINING EXPENDITURES.—With respect to amounts expended during a fiscal year quarter beginning after September 30, 2009, and before October 1, 2011, for which the tribe, organization, or consortium is eligible for payments under subparagraph (A) or (B) of section 474(a)(3), not more than 12 percent of such amounts may consist of in-kind expenditures from third-party sources that are specified in such list and described in subclause (III).

''(III) SOURCES DESCRIBED.—For purposes of subclause (II), the sources described in this subclause are the following:

''(aa) A State or local government.

''(bb) An Indian tribe, tribal organization, or tribal consortium other than the tribe, organization, or consortium submitting the plan.

''(cc) A public institution of higher education.

''(dd) A Tribal College or University (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c)).

''(ee) A private charitable organization.

''(iii) FISCAL YEAR 2012, 2013, OR 2014.—

''(I) IN GENERAL.—Except as provided in subclause (II) of this clause and clause (v) of this subparagraph, with respect to amounts expended during any fiscal year quarter beginning after September 30, 2011, and before October 1, 2014, for which the tribe, organization, or consortium is eligible for payments under any subparagraph of section 474(a)(3) of this Act, the only in-kind expenditures from third-party sources that may be claimed by the tribe, organization, or consortium for purposes of determining the non-Federal share of such expenditures (without regard to whether the expenditures are specified on the list required under this subparagraph to be submitted with the plan) are in-kind expenditures that are specified in regulations promulgated by the Secretary under section 301(e)(2) of the Fostering Connections to Success and Increasing Adoptions Act of 2008 and are from an applicable third-party source specified in such regulations, and do not exceed the applicable percentage for claiming such in-kind expenditures specified in the regulations.

''(II) TRANSITION PERIOD FOR EARLY APPROVED TRIBES, ORGANIZATIONS, OR CONSORTIA.—Subject to clause (v), if the tribe, organization, or consortium is an early approved tribe, organization, or consortium (as

defined in subclause (III) of this clause), the Secretary shall not require the tribe, organization, or consortium to comply with such regulations before October 1, 2013. Until the earlier of the date such tribe, organization, or consortium comes into compliance with such regulations or October 1, 2013, the limitations on the claiming of in-kind expenditures from third-party sources under clause (ii) shall continue to apply to such tribe, organization, or consortium (without regard to fiscal limitation) for purposes of determining the non-Federal share of amounts expended by the tribe, organization, or consortium during any fiscal year quarter that begins after September 30, 2011, and before such date of compliance or October 1, 2013, whichever is earlier.

''(III) DEFINITION OF EARLY APPROVED TRIBE, ORGANIZATION, OR CONSORTIUM.—For purposes of subclause (II) of this clause, the term 'early approved tribe, organization, or consortium' means an Indian tribe, tribal organization, or tribal consortium that had a plan approved under section 471 in accordance with this section for any quarter of fiscal year 2010 or 2011.

''(iv) FISCAL YEAR 2015 AND THEREAFTER.—Subject to clause (v) of this subparagraph, with respect to amounts expended during any fiscal year quarter beginning after September 30, 2014, for which the tribe, organization, or consortium is eligible for payments under any subparagraph of section 474(a)(3) of this Act, in-kind expenditures from third-party sources may be claimed for purposes of determining the non-Federal share of expenditures under any subparagraph of such section 474(a)(3) only in accordance with the regulations promulgated by the Secretary under section 301(e)(2) of the Fostering Connections to Success and Increasing Adoptions Act of 2008.

''(v) CONTINGENCY RULE.—If, at the time expenditures are made for a fiscal year quarter beginning after September 30, 2011, and before October 1, 2014, for which a tribe, organization, or consortium may receive payments for under section 474(a)(3) of this Act, no regulations required to be promulgated under section 301(e)(2) of the Fostering Connections to Success and Increasing Adoptions Act of 2008 are in effect, and no legislation has been enacted specifying otherwise—

''(I) in the case of any quarter of fiscal year 2012, 2013, or 2014, the limitations on claiming in-kind expenditures from third-party sources under clause (ii) of this subparagraph shall apply (without regard to fiscal limitation) for purposes of determining the non-Federal share of such expenditures; and

''(II) in the case of any quarter of fiscal year 2015 or any fiscal year thereafter, no tribe, organization, or consortium may claim in-kind expenditures from third-party sources for purposes of determining the non-Federal share of such expenditures if a State with a plan approved under section 471(a) of this Act could not claim in-kind expenditures from third-party sources for such purposes.

''(2) CLARIFICATION OF TRIBAL AUTHORITY TO ESTABLISH STANDARDS FOR TRIBAL FOSTER FAMILY HOMES AND TRIBAL CHILD CARE INSTITUTIONS.—For purposes of complying with section 471(a)(10), an Indian tribe, tribal organization, or tribal consortium shall establish and maintain a tribal authority or authorities which shall be responsible for establishing and maintaining tribal standards for tribal foster family homes and tribal child care institutions.

''(3) CONSORTIUM.—The participating Indian tribes or tribal organizations of a tribal consortium may develop and submit a single plan under section 471 that meets the requirements of this section.

''(d) DETERMINATION OF FEDERAL MEDICAL ASSISTANCE PERCENTAGE FOR FOSTER CARE MAINTENANCE AND ADOPTION ASSISTANCE PAYMENTS.—

''(1) PER CAPITA INCOME.—For purposes of determining the Federal medical assistance percentage applicable to an Indian tribe, a tribal organization, or a tribal consortium under paragraphs (1), (2), and (5) of section 474(a), the calculation of the per capita income of the Indian tribe, tribal organization, or tribal consortium shall be based upon the service population of the Indian tribe, tribal organization, or tribal consortium, except that in no case shall an Indian tribe, a tribal organization, or a tribal consortium receive less than the Federal medical assistance percentage for any State in which the tribe, organization, or consortium is located.

''(2) CONSIDERATION OF OTHER INFORMATION.—Before making a calculation under paragraph (1), the Secretary shall consider any information submitted by an Indian tribe, a tribal organization, or a tribal consortium that the Indian tribe, tribal organization, or tribal consortium considers relevant to making the calculation of the per capita income of the Indian tribe, tribal organization, or tribal consortium.

''(e) NONAPPLICATION TO COOPERATIVE AGREEMENTS AND CONTRACTS.—Any cooperative agreement or contract entered into between an Indian tribe, a tribal organization, or a tribal consortium and a State for the administration or payment of funds under this part that is in effect as of the date of enactment of this section shall remain in full force and effect, subject to the right of either party to the agreement or contract to revoke or modify the agreement or contract pursuant to the terms of the agreement or contract. Nothing in this section shall be construed as affecting the authority for an Indian tribe, a tribal organization, or a tribal consortium and a State to enter into a cooperative agreement or contract for the administration or payment of funds under this part.

''(f) JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM.—Except as provided in section 477(j), subsection (b) of this section shall not apply with respect to the John H. Chafee Foster Care Independence Program established under section 477 (or with respect to payments made under section 474(a)(4) or grants made under section 474(e)).

''(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting the application of section 472(h) to a child on whose behalf payments are paid under section 472, or the application of section 473(b) to a child on whose behalf payments are made under section 473 pursuant to an adoption assistance agreement or a kinship guardianship assistance agreement, by an Indian tribe, tribal organization, or tribal consortium that elects to operate a foster care and adoption assistance program in accordance with this section.''.

(2) CONFORMING AMENDMENTS.—Section 472(a)(2)(B) of such Act (42 U.S.C. 672(a)(2)(B)) is amended—

(A) in clause (i), by striking ''or'' at the end;

(B) in clause (ii), by striking ''and'' at the end and inserting ''or''; and

(C) by adding at the end the following:

''(iii) an Indian tribe or a tribal organization (as defined in section 479B(a)) or a tribal consortium that has a plan approved under section 471 in accordance with section 479B; and''.

(b) AUTHORITY TO RECEIVE PORTION OF STATE ALLOTMENT AS PART OF AN AGREEMENT TO OPERATE THE JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM.—Section 477 of such Act (42 U.S.C. 677) is amended by adding at the end the following:

''(j) AUTHORITY FOR AN INDIAN TRIBE, TRIBAL ORGANIZATION, OR TRIBAL CONSORTIUM TO RECEIVE AN ALLOTMENT.—

''(1) IN GENERAL.—An Indian tribe, tribal organization, or tribal consortium with a plan approved under section 479B, or which is receiving funding to provide foster care under this part pursuant to a cooperative agreement or contract with a State, may apply for an allotment out of any funds authorized by paragraph (1) or (2) (or both) of subsection (h) of this section.

''(2) APPLICATION.—A tribe, organization, or consortium desiring an allotment under paragraph (1) of this subsection shall submit an application to the Secretary to directly receive such allotment that includes a plan which—

''(A) satisfies such requirements of paragraphs (2) and (3) of subsection (b) as the Secretary determines are appropriate;

''(B) contains a description of the tribe's, organization's, or consortium's consultation process regarding the programs to be carried out under the plan with each State for which a portion of an allotment under subsection (c) would be redirected to the tribe, organization, or consortium; and

''(C) contains an explanation of the results of such consultation, particularly with respect to—

''(i) determining the eligibility for benefits and services of Indian children to be served under the programs to be carried out under the plan; and

''(ii) the process for consulting with the State in order to ensure the continuity of benefits and services for such children who will transition from receiving benefits and services under programs carried out under a State plan under subsection (b)(2) to receiving benefits and services under programs carried out under a plan under this subsection.

''(3) PAYMENTS.—The Secretary shall pay an Indian tribe, tribal organization, or tribal consortium with an application and plan approved under this subsection from the allotment determined for the tribe, organization, or consortium under paragraph (4) of this subsection in the same manner as is provided in section 474(a)(4) (and, where requested, and if funds are appropriated, section 474(e)) with respect to a State, or in such other manner as is determined appropriate by the Secretary, except that in no case shall an Indian tribe, a tribal organization, or a tribal consortium receive a lesser proportion of such funds than a State is authorized to receive under those sections.

''(4) ALLOTMENT.—From the amounts allotted to a State under subsection (c) of this section for a fiscal year, the Secretary shall allot to each Indian tribe, tribal organization, or tribal consortium with an application and plan approved under this subsection for that fiscal year an amount equal to the tribal foster care ratio determined under paragraph (5) of this subsection for the tribe, organization, or consortium multiplied by the allotment amount of the State within which the tribe, organization, or consortium is located. The allotment determined under this paragraph is deemed to be a part of the allotment determined under section 477(c) for the State in which the Indian tribe, tribal organization, or tribal consortium is located.

''(5) TRIBAL FOSTER CARE RATIO.—For purposes of paragraph (4), the tribal foster care ratio means, with respect to an Indian tribe, tribal organization, or tribal consortium, the ratio of—

''(A) the number of children in foster care under the responsibility of the Indian tribe, tribal organization, or tribal consortium (either directly or under supervision of the State), in the most recent fiscal year for which the information is available; to

''(B) the sum of—

''(i) the total number of children in foster care under the responsibility of the State within which the Indian tribe, tribal organization, or tribal consortium is located; and

''(ii) the total number of children in foster care under the responsibility of all Indian tribes, tribal organizations, or tribal consortia in the State (either directly or under supervision of the State) that have a plan approved under this subsection.''.

(c) STATE AND TRIBAL COOPERATION.—

(1) STATE PLAN REQUIREMENT TO NEGOTIATE IN GOOD FAITH.—

(A) IN GENERAL.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 101(a), 103, 204(b), and 206 of this Act, is amended—

(i) by striking ''and'' at the end of paragraph (30);

(ii) by striking the period at the end of paragraph (31) and inserting ''; and''; and

(iii) by adding at the end the following:

''(32) provides that the State will negotiate in good faith with any Indian tribe, tribal organization or tribal consortium in the State that requests to develop an agreement with the State to administer all or part of the program under this part on behalf of Indian children who are under the authority of the tribe, organization, or consortium, including foster care maintenance payments on behalf of children who are placed in State or tribally licensed foster family homes, adoption assistance payments, and, if the State has elected to provide such payments, kinship guardianship assistance payments under section 473(d), and tribal access to resources for administration, training, and data collection under this part.''.

(B) CHAFEE PROGRAM CONFORMING AMENDMENT.—Section 477(b)(3)(G) of such Act (42 U.S.C. 677(b)(3)(G)) is amended—

(i) by striking ''and that'' and inserting ''that''; and

(ii) by striking the period at the end and inserting ''; and that the State will negotiate in good faith with any Indian tribe, tribal organization, or tribal consortium in the State that does not receive an allotment under subsection (j)(4) for a fiscal year and that requests to develop an agreement with the State to administer, supervise, or oversee the programs to be carried out under the plan with respect to the Indian children who are eligible for such programs and who are under the authority of the tribe, organization, or consortium and to receive from the State an appropriate portion of the State allotment under subsection (c) for the cost of such administration, supervision, or oversight.''.

(2) APPLICATION OF TRIBAL FEDERAL MATCHING RATE TO COOPERATIVE AGREEMENTS OR CONTRACTS BETWEEN STATE OR TRIBES.—Paragraphs (1) and (2) of section 474(a) of such Act (42 U.S.C. 674(a)) are each amended by inserting ''(or, with respect to such payments made during such quarter under a cooperative agreement or contract entered into by the State and an Indian tribe, tribal organization, or tribal consortium for the administration or payment of funds under this part, an amount equal to the Federal medical assistance percentage that would apply under section 479B(d) (in this paragraph referred to as the 'tribal FMAP') if such Indian tribe, tribal organization, or tribal consortium made such payments under a program operated under that section, unless the tribal FMAP is less than the Federal medical assistance percentage that applies to the State)'' before the semicolon.

(d) RULES OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as—

(1) authorization to terminate funding on behalf of any Indian child receiving foster care maintenance payments or adoption assistance payments on the date of enactment of this Act and for which the State receives Federal matching payments under paragraph (1) or (2) of section 474(a) of the Social Security Act (42 U.S.C. 674(a)), regardless of whether a cooperative agreement or contract between the State and an Indian tribe, tribal organization, or tribal consortium is in effect on such date or an Indian tribe, tribal organization, or tribal consortium elects subsequent to such date to operate a program under section 479B of such Act (as added by subsection (a) of this section); or

(2) affecting the responsibility of a State—

(A) as part of the plan approved under section 471 of the Social Security Act (42 U.S.C. 671), to provide foster care maintenance payments, adoption assistance payments, and if the State elects, kinship guardianship assistance payments, for Indian children who are eligible for such payments and who are not otherwise being served by an Indian tribe, tribal organization, or tribal consortium pursuant to a program under such section 479B of such Act or a cooperative agreement or contract entered into between an Indian tribe, a tribal organization, or a tribal consortium and a State for the administration or payment of funds under part E of title IV of such Act; or

(B) as part of the plan approved under section 477 of such Act (42 U.S.C. 677) to administer, supervise, or oversee programs carried out under that plan on behalf of Indian children who are eligible for such programs if such children are not otherwise being served by an Indian tribe, tribal organization, or tribal consortium pursuant to an approved plan under section 477(j) of such Act or a cooperative agreement or contract entered into under section 477(b)(3)(G) of such Act.

(e) REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection, not later than 1 year after the date of enactment of this section, the Secretary of Health and Human Services, in consultation with Indian tribes, tribal organizations, tribal consortia, and affected States, shall promulgate interim final regulations to carry out this section and the amendments made by this section. Such regulations shall include procedures to ensure that a transfer of responsibility for the placement and care of a child under a State plan approved under section 471 of the Social Security Act to a tribal plan approved under section 471 of such Act in accordance with section 479B of such Act (as added by subsection (a)(1) of this section) or to an Indian tribe, a tribal organization, or a tribal consortium that has entered into a cooperative agreement or contract with a State for the administration or payment of funds under part E of title IV of such Act does not affect the eligibility of, provision of services for, or the making of payments on behalf of, such children under part E of title IV of such Act, or the eligibility of such children for medical assistance under title XIX of such Act.

(2) IN-KIND EXPENDITURES FROM THIRD-PARTY SOURCES FOR PURPOSES OF DETERMINING NON-FEDERAL SHARE OF ADMINISTRATIVE AND TRAINING EXPENDITURES.—

(A) IN GENERAL.—Subject to subparagraph (B) of this paragraph, not later than September 30, 2011, the Secretary of Health and Human Services, in consultation with Indian tribes, tribal organizations, and tribal consortia, shall promulgate interim final regulations specifying the types of in-kind expenditures, including plants, equipment, administration, and services, and the third-party sources for such in-kind expenditures which may be claimed by tribes, organizations, and consortia with plans approved under section 471 of the Social Security Act in accordance with section 479B of such Act, up to such percentages as the Secretary, in such consultation shall specify in such regulations, for purposes of determining the non-Federal share of administrative and training expenditures for which the tribes, organizations, and consortia may receive payments for under any subparagraph of section 474(a)(3) of such Act.

(B) EFFECTIVE DATE.—In no event shall the regulations required to be promulgated under subparagraph (A) take effect prior to October 1, 2011.

(C) SENSE OF THE CONGRESS.—It is the sense of the Congress that if the Secretary of Health and Human Services fails to publish in the Federal Register the regulations required under subparagraph (A) of this paragraph, the Congress should enact legislation specifying the types of in-kind expenditures and the third-party sources for such in-kind expenditures which may be claimed by tribes, organizations, and consortia with plans approved under section 471 of the Social Security Act in accordance with section 479B of such Act, up to specific percentages, for purposes of determining the non-Federal share of administrative and training expenditures for which the tribes, organizations, and consortia may receive payments for under any subparagraph of section 474(a)(3) of such Act.

(f) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on October 1, 2009, without regard to whether the regulations required under subsection (e)(1) have been promulgated by such date.

SEC. 302. TECHNICAL ASSISTANCE AND IMPLEMENTATION.

Section 476 of the Social Security Act (42 U.S.C. 676) is amended by adding at the end the following:

''(c) TECHNICAL ASSISTANCE AND IMPLEMENTATION SERVICES FOR TRIBAL PROGRAMS.—

''(1) AUTHORITY.—The Secretary shall provide technical assistance and implementation services that are dedicated to improving services and permanency outcomes for Indian children and their families through the provision of assistance described in paragraph (2).

''(2) ASSISTANCE PROVIDED.—

''(A) IN GENERAL.—The technical assistance and implementation services shall be to—

''(i) provide information, advice, educational materials, and technical assistance to Indian tribes and tribal organizations with respect to the types of services, administrative functions, data collection, program management, and reporting that are required under State plans under part B and this part;

''(ii) assist and provide technical assistance to—

''(I) Indian tribes, tribal organizations, and tribal consortia seeking to operate a program under part B or under this part through direct application to the Secretary under section 479B; and

''(II) Indian tribes, tribal organizations, tribal consortia, and States seeking to develop cooperative agreements to provide for payments under this part or satisfy the requirements of section 422(b)(9), 471(a)(32), or 477(b)(3)(G); and

''(iii) subject to subparagraph (B), make one-time grants, to tribes, tribal organizations, or tribal consortia that are seeking to develop, and intend, not later than 24 months after receiving such a grant to submit to the Secretary a plan under section 471 to implement a program under this part as authorized by section 479B, that shall—

''(I) not exceed $300,000; and

''(II) be used for the cost of developing a plan under section 471 to carry out a program under section 479B, including costs related to development of necessary data collection systems, a cost allocation plan, agency and tribal court procedures necessary to meet the case review system requirements under section 475(5), or any other costs attributable to meeting any other requirement necessary for approval of such a plan under this part.

''(B) GRANT CONDITION.—

''(i) IN GENERAL.—As a condition of being paid a grant under subparagraph (A)(iii), a tribe, tribal organization, or tribal consortium shall agree to repay the total amount of the grant awarded if the tribe, tribal organization, or tribal consortium fails to submit to the Secretary a plan under section 471 to carry out a program under section 479B by the end of the 24-month period described in that subparagraph.

''(ii) EXCEPTION.—The Secretary shall waive the requirement to repay a grant imposed by clause (i) if the Secretary determines that a tribe's, tribal organization's, or tribal consortium's failure to submit a plan within such period was the result of circumstances beyond the control of the tribe, tribal organization, or tribal consortium.

''(C) IMPLEMENTATION AUTHORITY.—The Secretary may provide the technical assistance and implementation services described in subparagraph (A) either directly or through a grant or contract with public or private organizations knowledgeable and experienced in the field of Indian tribal affairs and child welfare.

''(3) APPROPRIATION.—There is appropriated to the Secretary, out of any money in the Treasury of the United States not otherwise appropriated, $3,000,000 for fiscal year 2009 and each fiscal year thereafter to carry out this subsection.''.

TITLE IV—IMPROVEMENT OF INCENTIVES FOR ADOPTION

SEC. 401. ADOPTION INCENTIVES PROGRAM.

(a) 5-YEAR EXTENSION.—Section 473A of the Social Security Act (42 U.S.C. 673b) is amended—

(1) in subsection (b)(4), by striking ''in the case of fiscal years 2001 through 2007,'';

(2) in subsection (b)(5), by striking ''1998 through 2007'' and inserting ''2008 through 2012'';

(3) in subsection (c)(2), by striking ''each of fiscal years 2002 through 2007'' and inserting ''a fiscal year''; and

(4) in each of subsections (h)(1)(D), and (h)(2), by striking ''2008'' and inserting ''2013''.

(b) UPDATING OF FISCAL YEAR USED IN DETERMINING BASE NUMBERS OF ADOPTIONS.—Section 473A(g) of such Act (42 U.S.C. 673b(g)) is amended—

(1) in paragraph (3), by striking ''means'' and all that follows and inserting ''means, with respect to any fiscal year, the number of foster child adoptions in the State in fiscal year 2007.'';

(2) in paragraph (4)—

(A) by inserting ''that are not older child adoptions'' before ''for a State''; and

(B) by striking ''means'' and all that follows and inserting ''means, with respect to any fiscal year, the number of special needs adoptions that are not older child adoptions in the State in fiscal year 2007.''; and

(3) in paragraph (5), by striking ''means'' and all that follows and inserting ''means, with respect to any fiscal year, the number of older child adoptions in the State in fiscal year 2007.''.

(c) INCREASE IN INCENTIVE PAYMENTS FOR SPECIAL NEEDS ADOPTIONS AND OLDER CHILD ADOPTIONS.—Section 473A(d)(1) of such Act (42 U.S.C. 673b(d)(1)) is amended—

(1) in subparagraph (B), by striking ''$2,000'' and inserting ''$4,000''; and

(2) in subparagraph (C), by striking ''$4,000'' and inserting ''$8,000''.

(d) 24-MONTH AVAILABILITY OF PAYMENTS TO STATES.—Section 473A(e) of such Act (42 U.S.C. 673b(e)) is amended—

(1) in the heading, by striking ''2-YEAR'' and inserting ''24-MONTH''; and

(2) by striking ''through the end of the succeeding fiscal year'' and inserting ''for the 24-month period beginning with the month in which the payments are made''.

(e) ADDITIONAL INCENTIVE PAYMENT FOR EXCEEDING THE HIGHEST EVER FOSTER CHILD ADOPTION RATE.—

(1) IN GENERAL.—Section 473A(d) of such Act (42 U.S.C. 673b(d)) is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

(B) in paragraph (2), by striking ''this section'' each place it appears and inserting ''paragraph (1)''; and

(C) by adding at the end the following:

''(3) INCREASED INCENTIVE PAYMENT FOR EXCEEDING THE HIGHEST EVER FOSTER CHILD ADOPTION RATE.—

''(A) IN GENERAL.—If—

''(i) for fiscal year 2009 or any fiscal year thereafter the total amount of adoption incentive payments payable under paragraph (1) of this subsection are less than the amount appropriated under subsection (h) for the fiscal year; and

''(ii) a State's foster child adoption rate for that fiscal year exceeds the highest ever foster child adoption rate determined for the State,

then the adoption incentive payment otherwise determined under paragraph (1) of this subsection for the State shall be increased, subject to subparagraph (C) of this paragraph, by the amount determined for the State under subparagraph (B) of this paragraph.

''(B) AMOUNT OF INCREASE.—For purposes of subparagraph (A), the amount determined under this subparagraph with respect to a State and a fiscal year is the amount equal to the product of—

''(i) $1,000; and

''(ii) the excess of—

''(I) the number of foster child adoptions in the State in the fiscal year; over

''(II) the product (rounded to the nearest whole number) of—

''(aa) the highest ever foster child adoption rate determined for the State; and

''(bb) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year.

''(C) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—For any fiscal year, if the total amount of increases in adoption incentive payments otherwise payable under this paragraph for a fiscal year exceeds the amount available for such increases for the fiscal year, the amount of the increase payable to each State under this paragraph for the fiscal year shall be—

''(i) the amount of the increase that would otherwise be payable to the State under this paragraph for the fiscal year; multiplied by

''(ii) the percentage represented by the amount so available for the fiscal year, divided by the total amount of increases otherwise payable under this paragraph for the fiscal year.''.

(2) DEFINITIONS.—Section 473A(g) of such Act (42 U.S.C. 673b(g)) is amended by adding at the end the following:

''(7) HIGHEST EVER FOSTER CHILD ADOPTION RATE.—The term 'highest ever foster child adoption rate' means, with respect to any fiscal year, the highest foster child adoption rate determined for any fiscal year in the period that begins with fiscal year 2002 and ends with the preceding fiscal year.

''(8) FOSTER CHILD ADOPTION RATE.—The term 'foster child adoption rate' means, with respect to a State and a fiscal year, the percentage determined by dividing—

''(A) the number of foster child adoptions finalized in the State during the fiscal year; by

''(B) the number of children in foster care under the supervision of the State on the last day of the preceding fiscal year.''.

(3) CONFORMING AMENDMENTS.—

(A) STATE ELIGIBILITY.—Section 473A(b)(2) of such Act (42 U.S.C. 673b(b)(2)) is amended—

(i) in subparagraph (A), by striking ''or'' at the end;

(ii) in subparagraph (B), by adding ''or'' at the end; and

(iii) by adding at the end the following:

''(C) the State's foster child adoption rate for the fiscal year exceeds the highest ever foster child adoption rate determined for the State;''.

(B) DATA.—Section 473A(c)(2) of such Act (42 U.S.C. 673b(c)(2)), as amended by subsection (a)(3) of this section, is amended by inserting ''and the foster child adoption rate for the State for the fiscal year,'' after ''during a fiscal year,''.

SEC. 402. PROMOTION OF ADOPTION OF CHILDREN WITH SPECIAL NEEDS.

Section 473 of the Social Security Act (42 U.S.C. 673), as amended by section 101(b) of this Act, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by redesignating items (aa) and (bb) of clause (i)(I) as subitems (AA) and (BB), respectively;

(II) in subitem (BB) of clause (i)(I) (as so redesignated), by striking ''item (aa) of this subclause'' and inserting ''subitem (AA) of this item'';

(III) by redesignating subclauses (I) through (III) of clause (i) as items (aa) through (cc), respectively;

(IV) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(V) by realigning the margins of the items, subclauses, and clauses redesignated by subclauses (I) through (IV) accordingly;

(VI) by striking ''if the child—'' and inserting ''if—

''(i) in the case of a child who is not an applicable child for the fiscal year (as defined in subsection (e)), the child—'';

(VII) in subclause (II) of clause (i) (as so redesignated)—

(aa) by striking ''(c)'' and inserting ''(c)(1)''; and

(bb) by striking the period at the end and inserting ''; or''; and

(VIII) by adding at the end the following:

''(ii) in the case of a child who is an applicable child for the fiscal year (as so defined), the child—

''(I)(aa) at the time of initiation of adoption proceedings was in the care of a public or licensed private child placement agency or Indian tribal organization pursuant to—

''(AA) an involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; or

''(BB) a voluntary placement agreement or voluntary relinquishment;

''(bb) meets all medical or disability requirements of title XVI with respect to eligibility for supplemental security income benefits; or

''(cc) was residing in a foster family home or child care institution with the child's minor parent, and the child's minor parent

was in such foster family home or child care institution pursuant to—

''(AA) an involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; or

''(BB) a voluntary placement agreement or voluntary relinquishment; and

''(II) has been determined by the State, pursuant to subsection (c)(2), to be a child with special needs.''; and

(ii) in subparagraph (C)—

(I) by redesignating subclauses (I) and (II) of clause (iii) as items (aa) and (bb), respectively;

(II) by redesignating subclauses (I) and (II) of clause (iv) as items (aa) and (bb), respectively;

(III) by redesignating clauses (i) through (iv) as subclauses (I) through (IV), respectively;

(IV) by realigning the margins of the subclauses and clauses redesignated by subclauses (I) through (III) accordingly;

(V) by striking ''if the child—'' and inserting ''if—

''(i) in the case of a child who is not an applicable child for the fiscal year (as defined in subsection (e)), the child—'';

(VI) in clause (i)(I) (as so redesignated), by striking ''(A)(ii)'' and inserting ''(A)(i)(II)'';

(VII) in clause (i)(IV) (as so redesignated)—

(aa) in the matter preceding item (aa), by striking ''(A)'' and inserting ''(A)(i)''; and

(bb) by striking the period at the end and inserting ''; or''; and

(VIII) by adding at the end the following:

''(ii) in the case of a child who is an applicable child for the fiscal year (as so defined), the child meets the requirements of subparagraph (A)(ii)(II), is determined eligible for adoption assistance payments under this part with respect to a prior adoption (or who would have been determined eligible for such payments had the Adoption and Safe Families Act of 1997 been in effect at the time that such determination would have been made), and is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died.''; and

(B) by adding at the end the following:

''(7)(A) Notwithstanding any other provision of this subsection, no payment may be made to parents with respect to any applicable child for a fiscal year that—

''(i) would be considered a child with special needs under subsection (c)(2);

''(ii) is not a citizen or resident of the United States; and

''(iii) was adopted outside of the United States or was brought into the United States for the purpose of being adopted.

''(B) Subparagraph (A) shall not be construed as prohibiting payments under this part for an applicable child described in subparagraph (A) that is placed in foster care subsequent to the failure, as determined by the State, of the initial adoption of the child by the parents described in subparagraph (A).

''(8) A State shall spend an amount equal to the amount of savings (if any) in State expenditures under this part resulting from the application of paragraph (2)(A)(ii) to all applicable children for a fiscal year to provide to children or families any service (including post-adoption services) that may be provided under this part or part B.'';

(2) in subsection (c)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and realigning the margins accordingly;

(B) by striking ''this section, a child shall not be considered a child with special needs unless'' and inserting ''this section—

''(1) in the case of a child who is not an applicable child for a fiscal year, the child shall not be considered a child with special needs unless''; and

(C) in paragraph (1)(B), as so redesignated, by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(2) in the case of a child who is an applicable child for a fiscal year, the child shall not be considered a child with special needs unless—

''(A) the State has determined, pursuant to a criterion or criteria established by the State, that the child cannot or should not be returned to the home of his parents;

''(B)(i) the State has determined that there exists with respect to the child a specific factor or condition (such as ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing adoption assistance under this section and medical assistance under title XIX; or

''(ii) the child meets all medical or disability requirements of title XVI with respect to eligibility for supplemental security income benefits; and

''(C) the State has determined that, except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of the parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing adoption assistance under this section or medical assistance under title XIX.''; and

(3) by adding at the end the following:

''(e) APPLICABLE CHILD DEFINED.—

''(1) ON THE BASIS OF AGE.—

''(A) IN GENERAL.—Subject to paragraphs (2) and (3), in this section, the term 'applicable child' means a child for whom an adoption assistance agreement is entered into under this section during any fiscal year described in subparagraph (B) if the child attained the applicable age for that fiscal year before the end of that fiscal year.

''(B) APPLICABLE AGE.—For purposes of subparagraph (A), the applicable age for a fiscal year is as follows:

''In the case of fiscal year:	The applicable age is:
2010	16
2011	14
2012	12
2013	10
2014	8
2015	6
2016	4
2017	2
2018 or thereafter	any age.

''(2) EXCEPTION FOR DURATION IN CARE.—Notwithstanding paragraph (1) of this subsection, beginning with fiscal year 2010, such term shall include a child of any age on the date on which an adoption assistance agreement is entered into on behalf of the child under this section if the child—

''(A) has been in foster care under the responsibility of the State for at least 60 consecutive months; and

''(B) meets the requirements of subsection (a)(2)(A)(ii).

''(3) EXCEPTION FOR MEMBER OF A SIBLING GROUP.—Notwithstanding paragraphs (1) and (2) of this subsection, beginning with fiscal year 2010, such term shall include a child of any age on the date on which an adoption assistance agreement is entered into on behalf of the child under this section without regard to whether the child is described in paragraph (2)(A) of this subsection if the child—

''(A) is a sibling of a child who is an applicable child for the fiscal year under paragraph (1) or (2) of this subsection;

''(B) is to be placed in the same adoption placement as an applicable child for the fiscal year who is their sibling; and

''(C) meets the requirements of subsection (a)(2)(A)(ii).''.

SEC. 403. INFORMATION ON ADOPTION TAX CREDIT.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)), as amended by sections 101(a), 103, 204(b), 206, and 301(c)(1)(A) of this Act, is amended—

(1) by striking ''and'' at the end of paragraph (31);

(2) by striking the period at the end of paragraph (32) and inserting ''; and''; and

(3) by adding at the end the following:

''(33) provides that the State will inform any individual who is adopting, or whom the State is made aware is considering adopting, a child who is in foster care under the responsibility of the State of the potential eligibility of the individual for a Federal tax credit under section 23 of the Internal Revenue Code of 1986.''.

TITLE V—CLARIFICATION OF UNIFORM DEFINITION OF CHILD AND OTHER PROVISIONS

SEC. 501. CLARIFICATION OF UNIFORM DEFINITION OF CHILD.

(a) CHILD MUST BE YOUNGER THAN CLAIMANT.—Section 152(c)(3)(A) of the Internal Revenue Code of 1986 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) of such Code 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.—Section 24(a) of such Code 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.—Section 152(c)(4) of such Code 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) Section 152(c)(4)(A) of such Code 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 section 152(c)(4) of such Code 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.

SEC. 502. INVESTMENT OF OPERATING CASH.

Section 323 of title 31, United States Code, is amended to read as follows:

"§ 323. Investment of operating cash

''(a) To manage United States cash, the Secretary of the Treasury may invest any part of the operating cash of the Treasury for not more than 90 days. The Secretary may invest the operating cash of the Treasury in—

''(1) obligations of depositories maintaining Treasury tax and loan accounts secured by pledged collateral acceptable to the Secretary;

''(2) obligations of the United States Government; and

''(3) repurchase agreements with parties acceptable to the Secretary.

''(b) Subsection (a) of this section does not require the Secretary to invest a cash balance held in a particular account.

''(c) The Secretary shall consider the prevailing market in prescribing rates of interest for investments under subsection (a)(1) of this section.

''(d)(1) The Secretary of the Treasury shall submit each fiscal year to the appropriate committees a report detailing the investment of operating cash under subsection (a) for the preceding fiscal year. The report shall describe the Secretary's consideration of risks associated with investments and the actions taken to manage such risks.

''(2) For purposes of paragraph (1), the term 'appropriate committees' means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.''.

SEC. 503. NO FEDERAL FUNDING TO UNLAWFULLY PRESENT INDIVIDUALS.

Nothing in this Act shall be construed to alter prohibitions on Federal payments to individuals who are unlawfully present in the United States.

TITLE VI—EFFECTIVE DATE

SEC. 601. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, each amendment made by this Act to part B or E of title IV of the Social Security Act shall take effect on the date of the enactment of this Act, and shall apply to payments under the part amended for quarters beginning on or after the effective date of the amendment.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan approved under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by this Act, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that ends after the 1-year period beginning with the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

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

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

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

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

There was no objection.

Mr. MCDERMOTT. Madam Speaker, I yield myself such time as I might consume.

Children in foster care are sometimes called our forgotten children. We are here to banish that thought forever. We are here to provide children in foster care the same things that all children need, family, support and an equal chance to succeed.

With that goal in mind, the House unanimously passed legislation in June to improve the Nation's child welfare system. The bill we are considering today is a modified version of that legislation, and it reflects an agreement with Senators BAUCUS, GRASSLEY and ROCKEFELLER, who have been working on similar legislation.

This agreement maintains all the critical provisions in the House-passed bill, such as helping grandparents and other relatives who want to permanently care for children in foster care and extending assistance to thousands of children who now age out of foster care every year on their 18th birthday.

In addition, the legislation now includes a provision that will begin to make sure that all special needs children are eligible for adoption assistance, not just those who come from a family that is eligible for a welfare program that no longer exists.

When a child is removed from his or her home because of abuse or neglect, government, on behalf of society, becomes legally responsible for that child. All of us, therefore, act as parents to children in foster care. But for too many foster care children, we fail to fully live up to our parental responsibilities.

We fail to provide them with permanent homes. We fail to meet their health and education needs, and we fail to help them find their way in the world.

Perhaps the most obvious example of our failure is when foster children are literally pushed out into the streets when they are 18 years old. No parent I know abandons their children at age 18, and yet that is what our Federal policy for foster care does.

It says to kids to have been abused or neglected, who have been removed from their homes, or who have been placed many times in multiple foster homes that we expect more of them than we would expect of anyone else, including our own children. We displace them from their homes and from any meaningful financial support, and tell them, make it on your own, you are on your own.

Another example is our failure and the inconsistent effort to help foster children stay connected to their families. We have a system that tells grandparents that they will be denied any assistance if they become legal guardians for a foster child. This is contrary to the growing base of research illustrating that children do better living with relative guardians than they do living in traditional foster care.

Additionally, siblings are too often split apart at the time of placement. Just when a foster child most needs their brother or sister, they are sometimes separated from them.

Ensuring school stability is yet another area where we too often come up short. Not enough is done to ensure children can stay in their current schools when they are placed in foster care. We rob them of the one place where they may actually feel secure.

We also hear too many stories about foster children not receiving adequate health services, especially for mental health. Furthermore, we have a special duty to ensure the prescription medications foster children are receiving are effective and appropriate, instead of quick and easy.

Finally, we don't provide adequate assistance for Native American children who are removed from their homes and then cared for in the tribal communities.

The Fostering Connections to Success and Increasing Adoptions Act would provide new supports and protections to address many of the concerns I just outlined. The legislation would allow States to extend foster care up to the age of 21, giving young men and women more time to get an education and become truly self-sufficient.

Recognizing that many grandparents and other relatives want to provide loving, permanent homes for children in foster care, this bill would provide Federal payments to relatives who become legal guardians of children for whom they have cared as foster parents. It also requires improved efforts to keep siblings together when they are removed from their homes.

The measure would require increased oversight on health care needs of foster children, focusing on the assessment, the treatment of health conditions, continuity of care, and monitoring the use of prescription drugs. There is also renewed attention paid to ensuring educational stability for children in foster care, including avoiding frequent school changes.

Additionally, this bill gives tribes equal and fair access to Federal resources dedicated to keeping vulnerable children safe. For the first time, a tribal child welfare program would directly receive Federal foster care funding.

The legislation would also provide new resources to ensure all child welfare workers have equal access to training, which ultimately results in better care for children.

This bill extends and improves incentives for States that increase the number of children adopted out of the foster care system. To ensure that we are

adequately helping all families adopting special needs children out of the foster care system, the bill will phase out a requirement that an adopted child's birth parents be eligible for welfare under outdated rules from a program that no longer exists.

The legislation includes two provisions that save money and thereby ensures that the bill is completely budget neutral. The first provision would clarify the uniform definition of a child for tax purposes to ensure that the earned income tax credit and other tax benefits are being provided to the families for which the benefits were intended.

The second provision would allow the Treasury Department to improve its management of the government's short-term operating cash. This language, which has been recommended by the GAO and proposed by the administration, would permit investment of cash in a broader number of institutions, thereby reducing the current concentration of risk and increasing the rate of return.

I want to thank, again, my ranking member, JERRY WELLER, who is going to leave us. He has been a real partner in striving to work for and improve the lives of children in the foster care system. His efforts will be missed when he leaves Congress at the end of this session, but enacting this bill will surely send him out on a high note.

Before I yield to Mr. WELLER, I would like to talk about another Member of Congress who is not with us today.

The passing of Stephanie Tubbs Jones was a great shock to all of us who worked with her. We were always impressed by her tireless energy and her infectious smile.

Stephanie was a true champion for vulnerable families and children. In fact, her first legislative achievement in Congress was a bill designed to improve training opportunities for caseworkers in the child welfare system.

□ 1245

In recognition of Representative Tubbs Jones' efforts to help vulnerable kids, this bill names the primary source of Federal funding for the Social Security Act for Child Protective Services after her, as well as making several improvements to the program.

The Stephanie Tubbs Jones Child Welfare Services Program will help at-risk children for many years and decades to come, just as she did during her life.

In conclusion, this bill does not address every challenge confronting children in the welfare system, but will take a major step toward correcting many of the system's shortcomings. I only wish Jerry was going to be here to work with me while we put a bigger bill through next year.

This legislation is bipartisan, budget neutral, and good for kids; therefore, it deserves the support of every Member of the House, as it did when it passed unanimously some months ago.

I reserve the balance of my time.

Mr. WELLER of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am proud to rise in support of H.R. 6893, the Fostering Connections to Success and Increasing Adoptions Act, legislation I am proud to cosponsor with my chairman, Mr. MCDERMOTT.

This bipartisan, bicameral House-Senate agreement extends the Adoptions Incentives program, which has earned due praise for increasing adoptions from the Nation's foster care system. It improves the program by raising financial incentives for adopting older children who are the hardest to adopt, among other changes. That program expires in 2 weeks, so passage of this legislation is both necessary and timely.

But this bill does much, much more. It expands the eligibility of special needs children for Federal adoption assistance, promoting the adoption of thousands more children out of the foster care system in the coming years. Along the way, it places a priority on older children, children in foster care the longest, and sibling groups who are the hardest to find adoptive families.

The bill also promotes stronger family ties in caring for children removed from their own parents due to abuse and neglect, and expects States to do more to locate adult relatives like grandparents or aunts and uncles who can step in to care for such children. And by permitting child welfare agencies access to information from the child support program, the bill helps provide tools to help with that process.

It allows States to provide Federal payments to help those adults care for children. And it helps those adults obtain other assistance to ensure kids in their care can thrive. Instead of busting the budget, these pro-family changes actually save money by cutting expensive foster care administrative costs, while most importantly, improving the outcomes for kids in need of a loving home.

The bill also responds to concerns that too many youth today are ''emancipated'' from foster care at age 18 and end up on the streets, in jail, or worse. It offers more help for these older foster youth, providing for their care through age 21 as a State option. But like any responsible parent would expect, it requires able-bodied young people over age 18 to work, stay in school, or participate in training to receive the additional help. Like successful welfare reform policies of the 1990s, it conditions assistance on youths engaging in positive behavior.

The same goes for foster and adoptive youth under age 18. For the first time, they would have to stay in school for their foster parents to receive Federal financial assistance. That may be tough love, but it is far more loving than subsidizing high school dropouts as taxpayers often do today for a shocking share of young people in foster care.

I am honored that this legislation includes two provisions I have worked for years to pass and which will benefit children in foster care. First, it ensures equal access to foster care assistance for Native American children, allowing tribes to operate programs just like the States do today.

Second, it provides that all child welfare workers, whether employed by public or not-for-profit agencies, have access to the same resources for training so they can provide the best service to families and most of all children in foster care.

Madam Speaker, this legislation is good for children and for families. It is good for communities, and it is good for taxpayers. It is fully paid for, including by reducing unnecessary foster care administrative costs and by incorporating antifraud reforms proposed by the administration, amongst other savings. It is bipartisan, and includes the best of legislation developed by the House and Senate to better protect and support children. I urge all Members to support this excellent piece of legislation.

Madam Speaker, as this is the final major legislative activity in the subcommittee on which I serve as ranking member, I would like to thank the hardworking staff who have made this legislation possible. On the Ways and Means Committee Republican staff, I would especially like to thank Matt Weidinger, Margo Smith, and Brian Newell, who have helped me as ranking member of the Income Security Subcommittee.

Last, but not least, I would also like to thank Jack Dusik, who has handled much of my Ways and Means Committee activities for over 5 years. Jack has been a tireless servant of the American people and a great asset to me in representing the 11th Congressional District, and I wish him well as he moves onward.

Finally, Madam Speaker, I would like to extend my gratitude to my friend, Chairman MCDERMOTT, for his friendship over my years in Congress. It has been a real pleasure working with him as a strong partner in fighting for America's disadvantaged youth on the Income Security and Family Support Subcommittee.

Madam Speaker, I urge bipartisan support for this important bipartisan legislation.

I reserve the balance of my time.

Mr. MCDERMOTT. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. STARK).

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

Mr. STARK. Madam Speaker, I point out that this subcommittee stands as proxy parents for half a million children in this country who spend time in foster care each year. So I would like to thank Grandpa MCDERMOTT and Grandpa WELLER on behalf of these 500,000 children whose lives are being improved, and Grandma TAUSCHER, for

helping see that these children's lives are improved.

I was lucky enough to have Cherita Jones, a former foster youth, as an intern in my office earlier this year. Cherita worked hard and was lucky to live with a caring foster family. She is now out working as an advocate for foster children. I am proud that we are taking this step here today.

This bill does, in fact, continue foster children's care beyond age 18, and it further allows relatives, grandparents, to participate in supporting the foster children and allows them in many cases to live in loving homes rather than group homes and less permanent settings.

I hope we can continue to work together to improve their lives, and I look forward to working with Chairman MCDERMOTT to protect the Social Security benefits of foster children and make sure that these resources are used for the benefit of these children and not as a funding source for general revenue to many States. I urge the adoption of the bill.

Mr. WELLER of Illinois. Madam Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, today is a good day for the more than 4½ million grandparents in this Nation who are raising over 6 million children. Today is a good day for the 80,000 grandparents in Illinois who are raising their young grandchildren, and the 36,500 who are living with kinship caregivers. These families have told Members of Congress for years that they needed more support and that the system wasn't working for many children, and especially for African American kids.

Today we can tell them that we heard you and we are doing something about it. I commend Chairman MCDERMOTT, Ranking Member WELLER, as well as Senators CLINTON, SNOWE, GRASSLEY, BAUCUS and ROCKEFELLER for their commitment to reforming foster care.

I rise in strong, unwavering, and resolute support for H.R. 6893. This compromise between the House and Senate advances child welfare in many areas. In particular, it recognizes that guardianship is an important path to permanency for tens of thousands of children in foster care.

In August 2007, the GAO confirmed something that my congressional district and the foster care community has known for years—that African American children are overrepresented in the foster care system, and that subsidized guardianship is a key Federal policy that can help thousands of children into permanent, loving homes.

I thank Chairman MCDERMOTT and Ranking Member WELLER for including many of the provisions supporting kinship caregivers that I have championed for years. Specifically, the bill includes four core elements of my bill, H.R. 2188, the Kinship Caregiver Support Act, which I introduced with Representative TIM JOHNSON and which Senators CLINTON and SNOWE championed in the Senate.

It allows States to use Federal funds to support family caregivers raising relatives in the foster care systems.

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

Mr. MCDERMOTT. I yield the gentleman an additional minute.

Mr. DAVIS of Illinois. It provides funding to establish kinship navigator programs; it requires notification of relatives when a child enters foster care; it extends eligibility for independent living services and education training vouchers for youth who exit foster care after age 16; and it allows States to waive nonsafety-related elements of the licensing requirements that may not apply to families.

In addition, I am very happy that the bill ensures that families that currently receive subsidized guardianship under the current Federal waiver program will be eligible under the new program. This provision protects over 6,000 children in Illinois, as well as the thousands of children in other States who benefit from the waiver program.

So again, Madam Speaker, I want to commend Chairman MCDERMOTT and Ranking Member WELLER, and I also want to congratulate my colleague, Mr. WELLER, as he prepares to leave Congress after a stellar career, and I thank Chairman MCDERMOTT for acknowledging the work of Stephanie Tubbs Jones. This is an excellent bill, and I urge its passage.

Mr. WELLER of Illinois. Madam Speaker, I want to commend my friend and colleague from Illinois (Mr. DAVIS) for his efforts on behalf of families and his contribution to this bipartisan legislation.

Madam Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Madam Speaker, I want to thank my colleague from Illinois.

I think what we need to be doing here today is continuing to alert the American people to what is not happening in terms of dealing with the energy situation in the United States.

Last night, House Democrats rejected any efforts on behalf of the Republicans to pass bipartisan energy legislation. They rejected our efforts to do that and they rammed through a sham, hoax, illusory, no-energy bill that falls way short of the all-of-the-above solution that the American people are demanding.

The bill passed by a vote of 236–189, and that should tell the American people how much opposition there was to this no-energy bill.

Even Democrats have indicated that this was the wrong bill. Senator MARY LANDRIEU has said that the bill is going to be dead on arrival in the Senate. So we know this was simply a vote, as has been publicized in Congressional Quarterly and other publications here in Washington, that was simply a cover for Democrats who are running for reelection.

Representative GENE GREEN said, ''I do not believe our bill goes far enough to address America's energy needs.''

Even they admit that what was done last night did not respond to the needs of the American people. We are going to continue to discuss this on this floor and even after the Congress adjourns. We also should point out that from the first of August until the end of December, this Democrat-controlled Congress plans to work 14 days. While Americans are facing the highest energy prices they have ever faced in this country, the Democrat-controlled Congress plans to be in session and work for 14 days in a 5-month period of time. That is shameless. That is unacceptable.

We need to be helping the American people by bringing down the price of gasoline. We can do that. Republicans have a bill that will do that. We even would support the bipartisan bill that we introduced last night, but that isn't good enough. All they want is a cover for their Members to go back home and say we voted to drill for more energy.

□ 1300

That's not true. By not revenue sharing, they're stealing money from the States who would opt in to do this.

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

Mr. WELLER of Illinois. Madam Speaker, I have no additional speakers, so I will close for our side.

As the chairman and I have both stated, this is bipartisan, bicameral legislation, broadly supported. I would note I have a number of letters of support. I would like to insert into the RECORD at this point, Madam Speaker, a letter from the National Conference of State Legislatures, a letter from the Conference of Chief Justices, the Conference of State Court Administrators, as well as a letter signed by 581 national, State and local organizations from every State in the Union in support of this bipartisan, bicameral legislation designed to help kids, particularly those who need adoption.

SEPTEMBER 15, 2008.

Hon. HARRY REID,
Majority Leader,
528 Hart Senate Office Building, Washington, DC.
Hon. NANCY PELOSI,
Office of the Speaker,
H–232, U.S. Capitol, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader
61–A Russell Senate Office Building, Washington, DC.
Hon. JOHN BOEHNER,
Republican Leader,
Office of the House,
H–204, U.S. Capitol, Washington, DC.

DEAR MAJORITY LEADER REID, SPEAKER PELOSI, MINORITY LEADER MCCONNELL, AND REPUBLICAN LEADER BOEHNER: We are writing to urge you to take necessary steps to ensure passage this month of important improvements in supports for children and

youth in foster care, including new opportunities for permanent families through adoption and relative guardianship and other assistance for older youth transitioning from foster care. The House unanimously passed the Fostering Connections to Success Act in June and the Senate Finance Committee approved a similar bill last week. Today, the relevant committees announced agreement on H.R. 6893 that reconciles the House and Senate bills. As 581 national and state and local organizations from every state that advocate for the children and youth who will benefit from these improvements, we want to ensure that H.R. 6893, the Fostering Connections to Success and Increasing Adoptions Act of 2008, will be passed during this session of Congress.

The Act has bipartisan support and is fully paid for. Its important improvements will help hundreds of thousands of children and youth in foster care by:

Extending and increasing incentives for adoption, particularly incentives for the adoption of children with special needs and older youth in foster care and making many more children with special needs eligible for federal adoption assistance.

Allowing states to offer, for the first time with federal assistance, guardianship payments for children who are in foster care but who have grandparents or other relative guardians who want to care for them permanently outside of foster care.

Making it easier for immediate relatives to step in to raise children when their parents cannot by requiring notification of relatives when children are removed from their parents and grants to link caregivers with the services their children need.

Offering important protections and supports for American Indian children in foster care, by allowing tribes, for the first time, the same direct access to federal foster care, adoption assistance and relative guardianship funding that states have.

Increasing opportunities for success for older youth in foster care as they transition into adult life by allowing them to receive federal foster care payments beyond the age of 18.

Improving educational opportunities for children and youth in foster care, which will also increase their opportunities for later success.

Promoting the health care of children and youth in foster care.

Expanding training opportunities for relative guardians, staff in private agencies and the courts, and attorneys and others representing children.

These reforms encompass many of the critical improvements that former foster youth, adoptive parents, relative caregivers, and others have been requesting of Congress for years. We commend you for your leadership and commitment to addressing the needs of our nation's most vulnerable children and youth. The organizations below support timely enactment of these important improvements for children and youth in foster care.

Respectfully yours,

Adopt America Network, Alliance for Children and Families, American Academy for Child and Adolescent Psychiatry, American Academy of Adoption Attorneys, American Academy of Pediatrics, American Association of Children's Residential Centers, American Humane Association, American Professional Society on the Abuse of Children, American Psychological Association, The Arc of the U.S., Association on American Indian Affairs.

Bazelon Center for Mental Health Law, Black Administrators in Child Welfare, Inc., Catholic Charities USA, Center for Law and Social Policy, Child Welfare League of America, Childhelp, Inc., Children Awaiting Parents, Children's Action Network, Children's Defense Fund, Children's Rights.

Coalition of Labor Union Women, Coalition on Human Needs, Community Action Partnership, Council for Health and Human Service Ministries United Church of Christ, Dave Thomas Foundation for Adoption, Docs for Tots, Family Violence Prevention Fund, First Focus, First Star, Foster Care Alumni of America.

Foster Family-based Treatment Association, FosterClub, GrandFamilies of America, Grandfamilies Teens, Generations United, Holt International, Jewish Labor Committee, Juvenile Law Center, The Kids are Waiting: Fix Foster Care Now Campaign, Kidsave, Lutheran Services in America.

Mental Health America, National Advocacy Center for the Sisters of the Good Shepherd, National African-American Drug Policy Coalition, Inc., National Alliance to End Homelessness, National Association of Black Social Workers, National Association for Children's Behavioral Health, National Association of Counsel for Children, National Association of County Human Services Administrators, National Association of Counties, National Association for the Education of Homeless Children and Youth.

National Association of Social Workers, National CASA Association, National Center on Domestic and Sexual Violence, National Center on Housing and Child Welfare, National Child Abuse Coalition, National Children's Alliance, National Collaboration for Youth, National Committee of Grandparents for Children's Rights, National Council for Adoption, National Council of Jewish Women.

National Foster Care Coalition, National Foster Parent Association, National Indian Child Welfare Association, National Network for Youth, National Policy Partnership for Children of the Incarcerated, National Relative Caregiver Consultants, National Resource Center for Youth Services, Native American Children's Alliance, NETWORK, A National Catholic Social Justice Lobby, North American Council on Adoptable Children.

Orphan Foundation, Pre-K Now, Prevent Child Abuse America, The Rebecca Project for Human Rights, Religious Coalition for Reproductive Choice, Service Employees International Union (SEIU), Specialized Alternatives for Families and Youth of America, Teaching-Family Association, United Cerebral Palsy, United Church of Christ Justice and Witness Ministries.

United Neighborhood Centers of America, United Way of America, USAction, Voice for Adoption, Voices for America's Children, Youth Law Center, Zero to Three.

CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS
Government Relations Office, Arlington, Virginia, September 15, 2008.

Hon. HARRY REID,
Majority Leader, Hart Senate Office Building, Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, Russell Senate Office Building, Washington, DC.

Hon. NANCY PELOSI,
Office of the Speaker, Office of the House, U.S. Capitol, Washington, DC.

Hon. JOHN BOEHNER,
Republican Leader, U.S. Capitol, Washington, DC.

DEAR SENATORS REID AND MCCONNELL AND REPRESENTATIVES PELOSI AND BOEHNER: On behalf of the Conference of Chief Justices and the Conference of State Court Administrators, we are writing to urge you to take necessary steps to ensure passage this month of important improvements in support of children and youth in foster care, including new opportunities for permanent families through adoption and relative guardianship and other assistance for older youth transitioning from foster care. As you know, the House passed the Fostering Connections to Success Act (HR 6307) in June and the Senate provisions are moving toward final passage.

Both HR 6307 and the Senate provisions have bipartisan support and are fully paid for. Both proposals also include the following important improvements that will help hundreds of thousands of children in foster care by:

Extending and increasing incentives for adoption, particularly incentives for the adoption of children with special needs and older youth in foster care;

Allowing states to offer for the first time federal assistance for guardianship payments for children who are in foster care, but who have grandparents or other relative guardians who want to care for them permanently outside of foster care;

Making it easier for relatives to step in to raise children when their parents cannot by requiring notification of relatives when children are removed from their parents and providing grants to link caregivers with the services their children need;

Offering important protections and supports for American Indian children in foster care, by allowing tribes, for the first time, the same direct access to federal foster care, adoption assistance, and relative guardianship funding that states have;

Increasing opportunities for success for older youth in foster care as they transition into adult life by allowing them to continue to receive federal foster care payments beyond the age of 18; and

Improving educational opportunities for children and youth in foster care, which will also increase their opportunities for later success.

All of these reforms encompass many of the critical improvements that hundreds of former foster youth, adoptive parents, relative caregivers, and others have been requesting of Congress. We commend you for your leadership and commitment to addressing the needs of our nation's most vulnerable children and youth. On behalf of state courts, we support timely enactment of these important improvements for children and youth in foster care.

Sincerely yours,

MARGARET H. MARSHALL,
President, Conference of Chief Justices.

STEPHANIE J. COLE,
President, Conference of State Court Administrators.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
Re H.R. 6893
September 15, 2008

Hon. NANCY PELOSI,
Office of the Speaker,
H–232, U.S. Capitol, Washington, DC.

Hon. JOHN BOEHNER,
Office of the House Republican Leader,
H–204, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: The National Conference of State Legislatures (NCSL) supports the bicameral, bipartisan Fostering Connections to Success and Increasing Adoptions Act of 2008, HR 6893. State legislators know the importance of finding permanency for children in the child welfare system, whether through adoption or relative guardianship, and the need to help youth preparing to transition from foster care in their states and communities. We appreciate that Congress is taking action on these issues.

This important legislation extends and increases incentives for adoption, particularly incentives for the adoption of children with special needs and older youth in foster care. State legislators have long supported the concept that grandparents, or other immediate family members, who are caring for children who cannot safely remain with their parents as foster parents, should be given priority for such custody and placement over placement in a foster home with a non-relative. Additionally, subsidized guardianship with relatives may be an appropriate permanency option for children who cannot safely return home. Many states have moved forward on their own, so we applaud the fact that this bill makes federal funds available for this option and for support services for caretaker relatives. Positive features of the bill include a program to help kinship care givers navigate their way through the social services system and codification of variations in licensing that would allow more children to be placed safely with relatives when they do need to be placed in foster care.

In addition, the legislation increases resources available to children aging out of foster care to help them successfully transition into adult life. NCSL's Child Welfare policy has long called for expansion of federal financial participation for states that choose to provide assistance to youth age 18–21 who are preparing to transition from foster care to self-sufficiency.

These improvements encompass many of the critical changes to federal adoption and child welfare policy that state legislators have called upon Congress to enact. Reauthorization of the adoption incentives program will provide critical resources and reward state efforts to find permanence for children in the child welfare system. We commend the House and Senate for its leadership and commitment to addressing the needs of our nation's most vulnerable children and youth. Thank you for moving this legislation forward so that Congress can complete work on a child welfare measure this year.

Sincerely,

Representative RUTH KAGI,
Washington Chair, NCSL Human Services and Welfare Committee

Madam Speaker, I also note that of the 581 national, State and local organizations, and of course they represent every State of the Union that are in support of this important legislation, that a number of them are from the State that I represent, the State of Illinois, including the Baby Fold, which is an organization headquartered in Normal, Illinois in the district that I represent. The Allendale Association, the Child Care Association of Illinois, Children's Home and Aid, Community Action Partnership of Lake County, Latino Consortium, Methodist Youth Services Northwestern University Settlement Association, Project IRENE, SOS Children's Village of Illinois, UCAN, Voices for Illinois Children, and the Youth Outreach Services are examples of organizations in the State that I represent, which demonstrate broad support for this bipartisan, bicameral legislation designed to help children who need help.

I particularly want to point out that, as we worked to develop this legislation, it's very clear, as I had the privilege of working with my chairman, Mr. MCDERMOTT, as well as Chairman BAUCUS and Ranking Member GRASSLEY in the Senate, that we shared a common commitment, and that is that we wanted to put together a package legislation that not only deserved bipartisan support but that responded to the needs, particularly of children in foster care, children that need help and need the opportunity to find a loving family. I found that by all of us working together in a bipartisan way, we produced this bipartisan, bicameral legislation which is now before us.

With the vote of the House today and the action of the Senate later, this legislation is going to become law. I really want to commend Chairman BAUCUS and Chairman MCDERMOTT for their leadership, as well as Ranking Member GRASSLEY, for the leadership of everyone involved, because the commitment we had from day one was producing legislation that would receive a majority of support in the House and Senate and become law, because we truly want to help children.

So the bottom line is pretty simple, and that is, I urge my colleagues in the House to join us with strong bipartisan support and send this legislation to the President; legislation that provides incentives to encourage families to adopt children in need of a loving home; legislation designed to ensure that child care workers receive the resources they need so they're fully trained to help children in our foster care system, whether they work for a not-for-profit organization or for a government agency; and also legislation to ensure that the first Americans receive the same opportunity to access Federal funds for foster care as those of us who came later, and so that the provision which allows tribes to receive these funds, rather than having to go begging to the States, becomes law with this legislation.

This is good legislation. It's bipartisan legislation. This legislation was put together with the right spirit. I do want to thank my chairman again for the partnership we've had on this legislation as well as many other initiatives. It's nice to show that when we all work together in a bipartisan way, we can get things done.

Clearly this legislation, I think, is a great example of what happens when you set aside partisan politics and work together for the good of our Nation, particularly in this case children who are in need of a loving home.

Madam Speaker, I urge bipartisan support.

I yield back the balance of my time.

Mr. MCDERMOTT. Madam Speaker, I think we are having a discussion today about the tale of two bills, actually. The bill that we have before us here today is really landmark legislation, and as Mr. WELLER has said, it is the product of bipartisanship here in the House and actually, bicameral.

I talked to Senator GRASSLEY; we talked about various aspects of the bill so that there was open communication on this issue. And what we've produced from that is landmark legislation that is a significant step forward for children, for foster children, probably the biggest step in more than 10 years. And I think when the Congress works together for the common good, things get done in a very positive way.

Children are America's future, and today we're making an investment in that future, and in our own. We all want our children to be connected to their family, and this bill expects the same for foster children. We want our children to feel like they are in a loving, permanent home, and this legislation expects no less for foster kids. We want our kids to go to a school and have decent medical care, and again, we've done that in this bill, or we've begun the process. Finally, we want our children to have the best chance to succeed in life, a desire that did not end on their 18th birthday. This bill shares in that hope for kids.

This bill says to foster kids, you're not forgotten. There is a future and the future begins today. I want to encourage all my colleagues to support this bill.

Chairmen get the unique opportunity of kind of borrowing a lot of ideas from other people. I took some from DANNY DAVIS and some from Stephanie Tubbs Jones and some from Mr. WELLER, and we put a bill together.

Even chairmen shouldn't get all the credit, because staff people like Nick Gwynn and Sonya Nesbit and Sean Hughes on our side have played a major part in talking our way through this bill.

In contrast, we have the energy bill which was brought out here and we continue to hear people talk about as though there was no hope of working with the Senate.

Now if the Republicans in the Senate would like to work with the Democrats, I think we can put a bill together. We did it on child welfare. Certainly we ought to be able to do it on something as important as energy.

But to write off legislation and say, oh, the only bill that could pass out of here is the only one that could pass through the Senate, that's simply not respecting the legislative process. The Republicans in the Senate really have to make a choice. They either support American taxpayers and consumers and talk about new energy jobs, or they do what the big oil companies want. That's a very simple choice.

I think that it's unfortunate if we in this House give up and say, well, the Senate won't come to their senses; they won't do anything reasonable on energy. They did reasonable things on child welfare because they cared about this country's kids. I think, in the Senate, they care about this country's welfare, and they're going to do something reasonable on energy.

So all this talk about only the House can produce a perfect bill to be rubber-stamped by the Senate, it didn't work in child welfare. They had to make their changes. We will see some

changes in that Senate bill, if they're thinking about the common good, and not about election on the 4th of November. If it's all about elections, we won't get a bill on energy out of the Senate. But if there is a desire to deal with the common good for this country, then we will look at the comprehensive bill that was put together over here. And actually some Republicans voted for it. Now that shows it can be bipartisan, even in the House, on a very contentious issue. I think that the fact that it's over in the Senate bodes well. We have a whole week yet for them to come to their senses and send us a bill back.

Ms. BERKLEY. Madam Speaker, I rise today in support of H.R. 6893, the Fostering Connections to Success and Increasing Adoptions Act.

The provisions of this bill will increase the tools available to states to help children in foster care have stable placements and easier transitions into adult life.

This legislation allows states to continue foster care assistance for kids up the age of 21, authorizes federal assistance to relatives assuming legal guardianship of children for whom they have cared as foster parents, and extends and improves the Adoption Incentives Program, among other things.

While much more remains to be done to ensure the safety and well being of our nation's foster children, I support this legislation as a common sense and much needed first step in the right direction, and I hope that Nevada and other states will take advantage of the new tools made available to them.

I urge my colleagues to support this legislation time.

Mr. LEWIS of Georgia. Madam Speaker, I rise today to urge all of my colleagues to support H.R. 6893, the Fostering Connections to Success Act and Increasing Adoptions Act.

I applaud the Gentleman from Washington (Mr. MCDERMOTT) and the Gentleman from Illinois (Mr. WELLER) for working with our Senate colleagues in crafting this legislation. I am proud to serve on the Ways and Means Income Security and Family Support Subcommittee under their leadership.

Today, more than half a million children are living in foster care. H.R. 6893 addresses many of the key problems that plague the foster care system. This bill includes much needed educational stability requirements and new oversight for children's health care. H.R. 6893 also includes key adoption incentives that help create permanent, safe, loving families for all children. Of particular importance to my constituents in Georgia are the improvements to kinship guardian care and to services for youth aging out of foster care included in this bill.

I am proud to be a cosponsor of this important legislation; it is an important step in the right direction. We must pass H.R. 6893 in both the House and Senate before the end of this Congress. Then we must collaborate on more comprehensive improvements to the child welfare system in the 111th Congress.

Madam Speaker, in my home state, there are thousands of young people in foster care. Young people in foster care have not chosen this life. For a variety of reasons beyond their control, foster care children are uprooted from all that they know and rely on us for help. We must answer their call. As Members of Congress, citizens, and as parents, we must open our hearts and offer our hands and resources to serve these young people.

I ask my colleagues to join me in doing so by supporting H.R. 6893. We would do no less for our own children.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 6893, The Fostering Connections to Success and Increasing Adoptions Act, introduced by my distinguished colleague, Representative MCDERMOTT. This important legislation encourage a safe and successful adoptions which will strengthen our social system and provide quality foster homes for orphaned children across the United States.

QUOTE

''Investing in children is not a national luxury or a national choice. It's a national necessity. If the foundation of your house is crumbling, you don't say you can't afford to fix it while you're building astronomically expensive fences to protect it from outside enemies. The issue is not are we going to pay—it's are we going to pay now, up front, or are we going to pay a whole lot more later on.'' Marian Wright Edelman

GENERAL

The fundamental purpose of adoption is to serve the best interests of children. It does so by providing loving, responsible, and legally permanent parents when their biological parents cannot or will not parent them. Serving the best interests of children should be paramount in deciding all issues of adoption policy and practice. Adoption is healthy, satisfying, and good for children, not an enduring challenge to identity and wholeness. People who are adopted as infants grow up as healthy and productive as people raised in their biological families. The vast majority of foster children make the transition into their adoptive families and grow up very successfully.

In the 1990s, there are approximately 120,000 adoptions of children each year. This number has remained fairly constant in the 1990s, and is still relatively proportionate to population size in the U.S. Adopted children do as well as or better than their non-adopted counterparts, according to a 1994 study by the Search Institute, a Minneapolis-based public policy research organization providing leadership, knowledge and resources to promote healthy children, youth and communities. As these statistics show adoption is a vital part of our society. The large number of families that took children into their homes and hearts do a great service for the children of our nation.

This bill will improve the compensation for foster parents and increase the amount of federal assistance they receive. These assistance stipulations include:

Federal reimbursement to States choosing to provide assistance to grandparents and other relatives who become legal foster parents.

Federal assistance for foster children up to the age of 21.

Improved health care for every foster child, including a plan for educational stability.

Federal Funding for training to cover private child welfare workers and court personnel.

An improved Adoption Incentives Program.

MINORITIES

There are currently 510,000 children in foster care, and 129,000 children are waiting to be adopted. 61 percent of these children waiting to be adopted are of a minority background. Within the Children's Services Division, 71 percent of the adoptions are of Caucasian children. This bill will ensure that parents and children involved with adoption will have ample resources available if needed. In turn, this will encourage domestic adoptions that will help every ethnicity of orphaned children throughout the United States.

CONCLUSION

I firmly believe that we must pass this legislation in order to support adoption in our country. Adoption benefits this entire country; as domestic children are provided with nourishing homes, that will enable them a more positive environment. This bill will allow foster parents and foster children the compensation and care that they deserve.

By passing this legislation, we will provide the necessary means for more adoptions to take place in this country where we are built on strong families and strong people. We must do what we can to assist those whose hearts are kind and ambitions are sincere. I urge my colleagues to support this; I know together we can provide the necessary support for the families and adopted children of the United States. Thank you, Madam Speaker, I yield the remainder of my time.

Mr. TIAHRT. Madam Speaker, I rise today to express my support for adoption. Specifically, I rise to express my support for two bills we are considering on the floor today—the Fostering Connections to Success and Increased Adoptions Act, and the resolution Recognizing National Adoption Day and National Adoption Month.

It is no secret that I am pro-life. Life begins at conception, and I believe that we should do everything within our power to encourage and facilitate mothers to carry their child to term. It is my hope and prayer that every child will be wanted and loved by his or her parent. But I am not so naïve as to think that this is always the case. Tragically, there are situations where the mother and/or father cannot care for their baby. Perhaps the mother is still in school, and too young to responsibly raise the child. Perhaps she is unmarried, and does not have the means to provide for her baby. There are a myriad of reasons. But while there are some in this great nation who would suggest these, and other extenuating circumstances are exactly why abortion needs to remain legal, I instead believe that they are exactly the reason adoption needs greater national attention.

Over the years that I have had the privilege of serving the people of the 4th District of Kansas here in Washington, I have worked with many of my colleagues on both sides of the aisle to pass legislation that protects the sanctity of life, for those born, and those still in the womb. An important aspect of that effort, however, is caring for the child after it is born. Unfortunately, this is an area that is often overlooked. It is my hope that legislation before us today, H.R. 6893 and H. Res. 1432, will help remedy this problem.

The Fostering Connections to Success and Increased Adoptions Act takes great steps to assist both children and adoptive parents. It provides financial assistance for relatives of children in foster care that agree to become permanent guardians. And it includes educational stability as a factor when establishing a child's case plans. Provisions like these help to establish a sense of consistency in the life

of a child that is all too often lacking that. It also reauthorizes the Adoption Incentives Program, which can make the possibility of adopting more feasible for some families.

Madam Speaker, the choice to adopt a child is not one to be made without great consideration. There are risks and challenges involved with such a decision. We in Congress should show them our support and encouragement for them when they do decide to adopt. One way for us to do that is through H. Res. 1432. I encourage my colleagues to join me in voting for these bills, and let's show our support for adoption, and the children and families involved in it.

Mr. MCDERMOTT. I yield back the balance of my time and encourage everyone to vote for this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. MCDERMOTT) that the House suspend the rules and pass the bill, H.R. 6893.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH

Mr. MCDERMOTT. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1432) supporting the goals and ideals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children in foster care awaiting families, celebrating children and families involved in adoption, recognizing current programs and efforts designed to promote adoption, and encouraging people in the United States to seek improved safety, permanency, and well-being for all children.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1432

Whereas there are nearly 500,000 children in the foster care system in the United States, approximately 130,000 of whom are waiting for families to adopt them;

Whereas nearly 54 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is more than 2 years;

Whereas, for many foster children, the wait for a permanent, adoptive, ''forever'' family in which they are loved, nurtured, comforted, and protected seems endless;

Whereas the number of youth who ''age out'' of the foster care system by reaching adulthood without being placed in a permanent home has increased by more than 58 percent since 1998, as nearly 27,000 foster youth ''aged out'' of foster care during 2007;

Whereas every day loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas, while 3 in 10 people in the United States have considered adoption, a majority of them have misconceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of people in the United States believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children in the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of people in the United States believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care, and financial support in the form of an adoption assistance subsidy is available to adoptive families of eligible children adopted from foster care and continues after the adoption is finalized until the child is 18, so that income will not be a barrier to becoming a parent to a foster child who needs to belong to a family;

Whereas significant tax credits are available to families who adopt children with special needs;

Whereas the Department of Health and Human Services, Administration for Children and Families, in a partnership with the Ad Council, supports a national recruitment campaign for adoptive parents;

Whereas the Collaboration to AdoptUsKids features a photolisting Website for waiting foster children and prospective adoptive families at www.adoptuskids.org, and in Spanish at www.adopte1.org;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, 20,000 children have joined forever families during National Adoption Day;

Whereas in 2006, adoptions were finalized for over 3,300 children through more than 250 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico;

Whereas National Adoption Month celebrates the gift of adoption, recognizing the adoptive and foster families who share their hearts and homes with children in need, and raises awareness of the need for families for the many waiting children, particularly older children and teens, children of color, members of sibling groups, and children with physical and emotional challenges; and

Whereas November 2008 is National Adoption Month, and November 15, 2008, is National Adoption Day, and activities and information about both are available at www.childwelfare.gov/adoption/nam/activities.cfm: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child in foster care deserves a permanent and loving family;

(3) recognizes the significant commitment of taxpayers to support adoption, including the $1,900,000,000 provided to support adoption through the Title IV-E Adoption Assistance program, as well as the assistance provided through the Title IV-E Foster Care program to 130,000 children waiting for adoptive families, among other important programs; and

(4) encourages the citizens of the United States to consider adoption of children in foster care who are waiting for a permanent, loving family.

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

The Chair recognizes the gentleman from Washington.

Mr. MCDERMOTT. Madam Speaker, I would yield such time as he may consume to the gentleman from Nevada (Mr. PORTER), the resolution's chief sponsor.

GENERAL LEAVE

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

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

There was no objection.

Mr. PORTER. Madam Speaker, I am here today as an honored Member of the United States Congress, and I appreciate, Madam Speaker, your leadership and that of our chairman and our ranking member on an issue I think is very important to every family in this great country, but most important for those families that are trying to adopt a child or those in foster care.

Today, we're recognizing National Adoption Day, which is November 15, 2008. It's for continued awareness of adoption and foster issues.

Madam Speaker, can you imagine that there are children today sitting in a living room somewhere across America, possibly watching television, maybe reading a book or playing cards with their friends or another sibling. But imagine if you're that child and a car pulls up in front of your house, and out of it comes one or two individuals that come and knock at your door and tell you that you have to move. You may have been there for a week. You may have been there for a month. You may have been there for a year with this particular foster family. Imagine the pain of that child, realizing that two strangers are coming to the door to take them to another place to reside.

□ 1315

Now, most children in our country are blessed they don't face that particular challenge. Again, can you imagine if that same child then is removed from that home and moved to another home, without even a medical record, they may have to have additional inoculation, they may not have their glasses, they may not have all their personal belongings.

Madam Speaker, this is why we are recognizing Adoption Day and recognizing foster families across the country, because of the important role that they play in the well-being of our children.

Currently, there are 500,000 children in the foster care system around the United States, and there's 130,000 children just waiting for adoption. At first-hand knowledge, in the State of Nevada, we have about 4,000 children a year that enter into the foster care

system, and last year, many of those children were blessed to find a home; 444 children were adopted.

I have a family that I recognize this week. The Congressional Coalition on Adoption has provided for us as Members to recognize individuals for their help in fostering homes and creating adoptions, and that's Scott and Kathleen Greenberg of Las Vegas, Nevada. They are proud parents of a 15-month-old son, Evan.

They, of course, found it rewarding but also challenging because it took close to 5 years for this loving family to be able to adopt a child. They started in Tennessee. They then worked through Georgia, through different adoption agencies. They now are working through Nevada, but it took 5 years, and each time they had to start over. They had challenges of arranged adoptions; they had challenges of the public system.

Madam Speaker, the reason we're here today is to encourage families to adopt these children, to be patient, but also, the legislation, with the leadership of our chairman and our ranking member, should make it easier now for families like the Greenbergs to adopt children.

In Nevada, I've worked closely with the foster care program, and I think, like most of us, our children keep coming back no matter what age, but for foster kids, at the age of 18, as they move on from the foster care system, many of them do not have a home to come back to. So in the Nevada legislature we passed legislation to create a program for foster children between the ages of 18 and 21, and we created a fund to help these children with education, with training, with housing, with health care. It's funded through a copying of documents in the county of Clark, and we're raising about $1 million a year right now to help these children in transition.

Madam Speaker, I'm here today to ask not only for our colleagues to support this legislation, but in our own districts across the country, remind these moms and dads and these individuals that want to adopt children that we want to make it as easy and safe and a wonderful experience that it can be, and that's why we're recognizing this program today.

My great appreciation goes out to Scott and Kathleen Greenberg as the proud parents and to all those other families in Nevada that are part of the foster program, to all the professionals across the country that are working hard to make sure that our children have safe homes.

Today, I ask for your support and that of the rest of this body in supporting our resolution which recognizes National Adoption Day for November 15, 2008.

Mr. WELLER of Illinois. Madam Speaker, taking the lead of my chairman, I will close on this important resolution, but before I move to that, I have two speakers on our side who want to address this resolution which has been authored by my friend JON PORTER of Nevada, who's a strong advocate for adoption and foster children, while serving on the Ways and Means Committee, and I commend him for taking the lead on the National Adoption Month resolution that's before us.

With that, Madam Speaker, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I thank the gentleman from Illinois for yielding.

As a proud member of the Congressional Coalition on Adoption, I rise in strong support of H. Res. 1432. This important resolution recognizes the goals and ideals of National Adoption Day and National Adoption Month by promoting and raising national awareness of adoption and children in foster care, as my colleague from Nevada was just explaining. I commend him, the gentleman from Nevada (Mr. PORTER), for working in a bipartisan matter to bring this important resolution to the floor, a resolution that celebrates the children and the families involved in adoption, as well as the current programs and efforts designed to promote adoption.

As was said by my colleague in Illinois, I was an OB/GYN physician for nearly 30 years before coming to the Congress back in 2003, and I am especially passionate, Madam Speaker, about protecting children and their right to life by encouraging adoption.

Madam Speaker, adoption brings joy to many loving families who cannot have children of their own or who simply wish to welcome even more children into their homes and into their hearts. Both National Adoption Day and National Adoption Month, which will be recognized on November 15 and, indeed, throughout the entire month of November, raise awareness nationally for the more than 129,000 children who are currently in foster care and looking, almost begging, for those permanent homes.

I wholeheartedly believe that raising awareness for adoption, as this resolution does so well, will help place more children in those loving homes. However, I believe that we should spend more than just 1 day, or even 1 month, during the year raising awareness on this issue. Both children and parents greatly benefit from adoption, and I want to applaud all individuals in my home State of Georgia and across this country who work so tirelessly to bring joy to these families who sometimes have very little joy.

Madam Speaker, I want to urge all my colleagues, and I'm sure they will, to support H. Res. 1432.

Mr. MCDERMOTT. Madam Speaker, far too many of our Nation's most vulnerable children long for nothing more than a safe and permanent place to call home.

As the de facto parents of foster children, it's our responsibility to ensure that each child who is unable to safely return home to their biological parents has the ability to achieve permanency through adoption. Sadly, too many children are languishing in the foster care system for far too long as they wait to be adopted.

There are currently 129,000 children who are waiting to be adopted out of foster care. These children, on average, will have to wait nearly two-and-a-half years in the foster care system before they are adopted by the family. A minute can be a lifetime in the eyes of a child. Imagine how a child feels as they wait nearly two-and-a-half years for a family to pick them.

Representative WELLER and I introduced bipartisan legislation, which just passed the House, which would provide a variety of policy initiatives aimed at increasing the number of children who are adopted from the foster care system. The Fostering Connections to Success and Increasing Adoptions Act extends, expands, and improves the Adoption Incentives Program. This successful program provides financial bonuses to States that increase the number of children adopted out of foster care.

I have to add that, sort of parenthetically, I started the subsidized adoption program in the Washington State legislature in 1971. There has been a very uneven spread of that concept across the States in this United States. So it's important that we at the Federal level set the standard and say to States, here's some money if you will think about doing subsidized adoptions for these kids.

Since the inception of this program, nearly 440,000 children have been adopted out of the foster care system.

The bill also would provide additional incentives for States to continue to increase the number of children who leave the foster care system for permanency through adoption or through guardianship placement with a grandparent or a relative caregiver.

Additionally, the legislation would provide adoption subsidy assistance to all special-needs kids—these are the ones that are the hardest to get adopted—rather than those children whose birth parents were eligible for welfare under rules that were in place in 1996.

The bill expands Federal adoption assistance by delinking eligibility for assistance from the now defunct AFDC program and by phasing in adoption subsidy to children by their age and their length of time in foster care.

And finally, the legislation would provide direct Federal adoption assistance to tribal governments who run their own child welfare programs. Tribal governments would be able to access the same service that is now available to the States. Such services will allow tribal governments to increase the number of Native American children that are adopted out of the tribal foster care systems.

The month of November marks National Adoption Month, and that's what this resolution is really all about.

As we celebrate the countless families who have opened their homes and their hearts to children who are in need of a home, I ask my colleagues to join us in supporting the goals and the ideals of National Adoption Month.

Every child deserves nothing less than a safe and loving place to call home. By working together in a bipartisan fashion, we can do our part to ensure permanency and success for all the children.

I reserve the balance of my time.

Mr. WELLER of Illinois. Madam Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Illinois has 17 minutes remaining. The gentleman from Washington has 11 minutes remaining.

Mr. WELLER of Illinois. Madam Speaker, at this time, it's my privilege to yield 12 minutes to the distinguished gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. I thank my colleague from Illinois for yielding this time.

I certainly am in very, very strong support of this resolution. I think that it is very important that we pass this bill, goals and ideals of National Adoption Month. I, too, have seen the impact of children having to be in foster care for long periods of time.

And as a grandparent of two and reminded on a constant basis of the fragility of children, and particularly their self-concept and how they interact with other people and their need to be in loving homes, with parents who really want them and make them feel accepted and help them succeed from birth through adulthood, it makes a huge difference in the life of a child to be in a stable environment instead of being moved from foster home to foster home.

I admire tremendously the people who open their homes and open their hearts to children who are not their birth children, and I commend them for being willing to do that and want us to pass this resolution and acknowledge those people.

But I think one of the most important things that we could do for all families in this country, not just those who are good foster parents, not just those who open their homes to become adoptive parents, but those who are struggling every day with their own children, is to do what we possibly can to bring down the price of gasoline and fuel oil.

We are facing a major problem in this country. Families are facing major problems in this country because of the high price of gasoline.

I received a letter from a Boy Scout recently who said to me, ''I'm afraid we're going to not be able to continue to go to church on Sundays because of the high price of gasoline.'' Those are the kinds of things that tear at any person's heart because you know that that's coming from the heart of a child who has heard his parents talking about how the high price of gasoline is affecting their family, and it's certainly affecting everyone in this country. And yet we have a do-nothing Congress that has not been willing to take up that issue.

I am, again, very happy that we're dealing with talking about the needs of foster parents, talking about promoting adoptions. However, what we could be doing is some real action to bring down the price of gasoline and truly, truly help American families.

Instead, when given the options of doing that, this Democrat majority refuses to do it. What they do is they bring up sham bills, bills that are hoaxes and illusions to the American people and say, well, yes, we have been asked all summer long to drill, to create more supply, and then they bring up bills that don't do that, that in fact make it more of a problem to be able to create additional supply. And that's what happened on this floor yesterday.

□ 1330

We started out last year by trying to compare the promises that were made by the Speaker—who was then minority leader—and the majority leader in terms of the promises that they made and what they were doing. Well, all along the way it's been promises made, promises broken.

They said they would have the most open, most bipartisan Congress ever in the history of this country, and what do they do? They start out immediately by bringing bills to the floor that haven't gone to committee and that are not allowed to be amended. They continue to do that. They did that again yesterday.

The bill that they brought up did not go through the committee structure. In fact, I read the bill last night, and I meant to count how many committees but there must have been eight or 10 committees that this bill was supposed to go through. It went through none of them. It was written in the Speaker's office. Nobody got a chance to see it until about 12 hours before we were going to vote on it. It was 290 pages long. It was brought to the floor with no opportunity to amend it.

The Republicans had one opportunity to have an impact on the bill, and that was in a motion to recommit. And in that motion to recommit, we offered a bipartisan bill, a bill called the Peterson-Abercrombie bill put together by Democrats and Republicans, and we offered that as an option to the bill that was being brought up because the bill that was voted on last night is going to lock up over 90 percent of the oil reserves off the coasts of this country and put them out of reach for us permanently.

And I want to talk about how it's not been only the people in charge of this Congress—the Speaker and the majority leader, they're the ones who are in charge; they've broken every promise that they have made. They even promised in 2006 that we would have a commonsense energy plan that would bring down the price of gasoline. Well, we've been here almost 2 years. Not until last night did we get a bill, and we know that's not going to bring down the price of gas—but even the rank-and-file Democrats who promised their constituents that they would vote for bills, even sponsored bills, that they then would not vote on.

I want to mention some of those and quote them. Many of them also say they want to stimulate the economy, but almost every single one of them voted against this bipartisan bill authored by Representatives JOHN PETERSON of Pennsylvania and NEIL ABERCROMBIE from Hawaii. Mr. PETERSON is a Republican; Mr. ABERCROMBIE is a Democrat. Their bill would lower gas prices on behalf of working families and small businesses.

There were 24 Democrats who were cosponsors of the Peterson-Abercrombie bill who voted against that bill last night after they said they would vote for it. Many of them promised their constituents that they would vote for it. And I want to give some examples of that.

Representative NANCY BOYDA, Democrat from Kansas, who was a cosponsor of the Peterson-Abercrombie bill, voted against it when given an opportunity. However, earlier in the month, she issued a press release that promised that she would work to get this bill passed. She said, ''I have been working with a large, bipartisan group of Representatives to develop a comprehensive, commonsense energy bill. Our [Peterson-Abercrombie] bill would provide sorely needed relief for Kansas families. It will help create energy independence for America and millions of jobs to help stabilize our struggling economy.'' Representative NANCY BOYDA, Democrat, Kansas, press release, 9/04/08.

She issued that press release and then voted against the very same bill she had told her constituents she was working to get passed.

Representative BARON HILL, Democrat of Indiana, a cosponsor of the Peterson-Abercrombie bill, once said, ''I hope this bipartisan bill will indeed be brought to the floor.'' But when given a chance, he voted against it.

Again, in a press release dated August 14, 2008, he said, ''I hope this bipartisan bill will indeed be brought to the floor for a vote when we return to Washington in September.'' HILL said, ''It would provide immediate relief, while also bolstering development of new energy sources in order to move this country closer to energy independence.'' Again, Representative BARON HILL, Democrat, Indiana, press release August 14, 2008.

These press releases show that what the press here in Washington is reporting is that the bill that was brought up last night by the Democrats was only brought up to provide cover for Democrats who are in vulnerable seats this fall. There was never any intention of that bill becoming law. They wanted to

give them a chance to say they voted for drilling when in fact the bill doesn't provide for additional gas and oil.

It's never going to be passed by the Senate. The Senators, even Democratic Senators, have said the bill is dead on arrival in the Senate.

Another Democrat who was a cosponsor of the Peterson-Abercrombie bill who also voted against it was Representative STEVE KAGEN, Democrat from Wisconsin.

Here is a quote from the Herald Times in Wisconsin, 9/13/08. ''Kagen, who signed onto the bill Tuesday, said the Abercrombie-Peterson bill 'really is a comprehensive energy policy and a roadmap forward. That bill has the balance in investing in renewable sources. It raises royalty (fees) from those who are drilling and it doesn't limit drilling to four or five States,' Kagen said.''

The headline on that story was ''Congress Sitting on An Energy Hot Seat.''

Speaker PELOSI has said over and over again that they're going to create an energy strategy that's going to make it look like vulnerable Democrats are voting on real energy reform without actually doing it. She stated that herself. But they went a step further than that. These people cosponsored a bill and pledged to support it and then voted against it when given a chance to do it.

Madam Speaker, I would like to include in the CONGRESSIONAL RECORD today the list of all 24 Democrats who were for this bill before they were against it.

Again, yesterday, though, the House Democrats in charge denied Republicans the opportunity to a full debate, an honest vote on the American Energy Act, the Republican bill that does do all of the above to help working families and small businesses dealing with record fuel costs.

But this fight is not over. We are going to continue to bring this message to the American people. It's important that the American people know that the Democrats are in charge, they are the ones responsible for the high gas prices, and I hope the American people will hold them responsible this fall.

Speaker Pelosi and her leadership team have made no bones about their elaborate strategy of making it look like vulnerable Democrats are voting on real energy reform without actually doing it. But these Democrats took it a step further: They cosponsored a bill and pledged to support it and then rejected it when given an up-or-down vote. Here is a list of all 24 Democrats who were for it before they were against it: Rep. Neil Abercrombie (D–HI), Rep. Sanford Bishop (D–GA), Rep. Dan Boren (D–OK), Rep. Nancy Boyda (D–KS), Rep. Dennis Cardoza (D–CA), Rep. Jim Costa (D–CA), Rep. Bud Cramer (D–AL), Rep. Henry Cuellar (D–TX), Rep. Artur Davis (D–AL), Rep. Lincoln Davis (D–TN), Rep. Bart Gordon (D–TN), Rep. Gene Green (D–TX), Rep. Phil Hare (D–IL), Rep. Baron Hill (D–IN), Rep. Sheila Jackson-Lee (D–TX), Rep. William Jefferson (D–LA), Rep. Steve Kagen (D–WI), Rep. Paul Kanjorski (D–PA), Rep. Charlie Melancon (D–LA), Rep. Patrick Murphy (D–PA), Rep. Solomon Ortiz (D–TX), Rep. Collin Peterson (D–MN), Rep. Ciro Rodriguez (D–TX), Rep. Mike Ross (D–AR).

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

Mr. WELLER of Illinois. Madam Speaker, I believe I have 5 remaining minutes; is that correct?

The SPEAKER pro tempore. The gentleman has 5 minutes remaining.

Mr. WELLER of Illinois. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I'd like to thank the gentleman for yielding.

As I spoke earlier in regard to this bill in support of adoption and adoption week, certainly it's a great resolution that our colleague, Representative PORTER from Nevada, brings forward.

But I, too, wanted to take the opportunity in my few minutes to talk a little bit more about this energy situation.

I think that the problem is that a lot of people in this country—and certainly it would appear that the leadership of this House, Ms. PELOSI, the Speaker, and the leadership of the Senate, the Majority Leader, Mr. REID of Nevada—are completely convinced that fossil fuel is a bad thing and it needs to be stamped out, eliminated; kill that sucker dead as soon as possible.

The quotes that I have heard, I think Senator REID said, ''Fossil fuel,'' which includes, of course, coal and petroleum and natural gas, ''Fossil fuel is poison, and we need to get rid of all fossil fuel in the good old U.S.A. by the year 2020.''

Madam Speaker, when I asked during the August recess about whether or not she would come back and allow some drilling to obtain our own domestic sources of fossil fuel, she said, ''I want to save the planet.'' She hit her fist on the table and said again, for emphasis, ''I want to save the planet.''

A spokesperson for the Sierra Club, maybe it was the president of the Sierra Club, Madam Speaker, said it's a good thing that American people are now having to pay these astronomical prices for petroleum.

In other words, the idea is this is such a horrible thing, this burning of coal, which, by the way, generates 65 percent of our electricity, this driving cars and trucks and using gasoline and diesel fuel in our trains. Literally, our transportation system couldn't function without fossil fuels.

Now there may come a day, and hopefully there will come a day, when we will be able to wean ourselves off of fossil fuel and come up with some other alternatives, alternatives like wind and solar and bio-products and ethanol that absolutely give us great efficiency for our needs, electricity and transportation, and cause us absolutely no harm and that we have a tremendous abundance of all of these alternatives and renewables so that we're not dependent on anybody. That is kind of a euphoria, and hopefully it will one day occur. But we don't know for sure that it might not be opening up Pandora's box, Madam Speaker. We don't know that.

While it's true that greenhouse gases probably do cause a little bit of global warming—

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

Mr. WELLER of Illinois. Madam Speaker, I yield the gentleman an additional 15 seconds.

Mr. GINGREY. I mean, these things might cause some harm, but how do we know that eventually we might create a country of alcoholics by burning all of this ethanol in our automobiles? People today are starving to death because they don't have jobs, and I think that's the first priority.

Let's get this economy back on track, and let's get a decent energy bill and do it right now.

Mr. MCDERMOTT. I continue to reserve.

Mr. WELLER of Illinois. Madam Speaker, I have no additional speakers, so I will take this opportunity to close.

Madam Speaker, I rise today in favor of this resolution authored by my friend, JON PORTER, who is a strong advocate for adoption and foster children while serving on the House Ways and Means Committee.

Of course this resolution promotes awareness of adoption and of the children in foster care awaiting loving, adoptive families. I want to recognize all of those parents who have opened their hearts and homes to provide a loving foster home or adopted home for children.

In my home State of Illinois, 1,740 children were adopted from foster care in 2006. Nationwide, 51,000 children moved from foster care to adoption this past year. However, with nearly 500,000 children in the foster care system and approximately 130,000 of these children waiting for a family to adopt them, we have much more work to do.

That's why I'm so pleased that this House is ready to pass this resolution marking National Adoption Day and National Adoption Month, but it's also paired with the important bipartisan legislation this House just considered and just voted unanimously to approve which provides greater incentives to provide loving homes to children in need of adoption as well as foster children in need of a loving home. Again, I want to commend my colleagues for that bipartisan effort.

I urge all Members to support this resolution, to work with the many dedicated faith-based and other groups in their districts who promote adoption, not only in November but every month of the year. There can be no greater gift to a child who has been removed from his or her own parents than to find new, loving, adoptive parents who want to care for him or her as their own.

Madam Speaker, I urge bipartisan support for this important resolution offered by my friend and colleague, JON PORTER of Nevada.

I yield back the balance of my time.

□ 1345

Mr. MCDERMOTT. Madam Speaker, may I inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from Washington has 11 minutes remaining.

Mr. MCDERMOTT. Madam Speaker, it has been a pleasure to work with Mr. WELLER on these two bills and this resolution through the Congress. And certainly I have enjoyed working with him and have never felt that any courtesy I've extended him has been anything but reciprocal in our dealings. However, there has been on the floor here some discussion of some extraneous material that I struggle to hear how the connection was to adoption subsidies or options or foster kids, but I'm sure there was one someplace there—all the speakers at least mentioned it sort of in passing and then went on to talk about energy.

Now, as these adoptive parents, many of them ordinary folks, want to drive down to get the child at the adoption agency, they're going to have to buy gasoline. And gasoline has gotten out of control. Lots of people want to blame oil companies or speculators or a lot of other things. And the question is, do you really want to help those people?

Now, there is going to be a stimulus package coming out. And if we put gas stamps in it—the average person under 300 percent of poverty will spend $1,000 more a year for gasoline, so if we gave them gas stamps like we give them food stamps for $500, we could cut that price in half. And I hope that all my colleagues on the other side, if that happens to be in the stimulus package, will consider voting for it this time.

There is a question in my mind, however, about the description of what went on last night. It's as though the Democrats didn't propose anything. It's as though we just sort of walked around and fiddled around and looked at the sky. But, in fact, there was a very good proposal here on the floor. There was money for renewable energy standards. There was money for strategic energy reserve to be invested in renewable energy. There was royalty reform. Can you believe that the oil companies never give any money to the Federal Government?

And this bill last night said, look, we want to repeal the tax subsidies and make the oil companies pay their fair share for drilling on public lands. Now, that's land that belongs to you and me and the foster kids and the children who are being adopted. But the oil companies have some idea that they don't think they should have to pay any royalty when they suck the oil out and then sell it to us at four bucks a gallon. Now, that seems like a good proposal.

We also paid for the bill last night by taking $18 billion that was allowed in a loophole several years ago. We closed that loophole and said we're going to use it to do the future development of renewable energy in this country that needs to be done.

Now, by contrast, the Boehner bill that was brought out here had no payment for anything, just increase the national debt. That is the Republican plan for this country: Do whatever you want, spend whatever you want, drive up the national debt, and leave it for these foster kids and these adopted kids. They're going to pay for it. Most of the Members in here will be dead before we get anywhere near paying for the debt that's been driven up by this Congress. And yesterday's oil bill was just more of the same.

Now, the other part of it that's really sort of interesting, our bill required actually using the leases that they already have, sort of ''use it or lose it.'' They have millions of acres under lease, but they want to get something more out there somewhere, I don't know. If you go out 50 miles off the coast of California and Washington State, you're at about 10,000 feet. If you think you're going to drill for oil out there, you have never been on the West coast of this country and looked at what we have for an ocean.

So, this business about ''drill, drill, drill, oh, good, drill, drill, drill,'' it makes a nice slogan, probably goes on a bumper strip pretty well, but the basic assumption behind that bumper strip is that the American people are stupid. It seems like the Republican Party thinks that the American people are stupid, and if they can just get into chanting, ''drill, drill, drill, drill, drill, drill,'' that somehow the price of gasoline will come down. I don't know if that is some kind of a mantra, maybe it's some kind of magical thing they got from a witch doctor somewhere. But drilling everywhere is not going to bring down the price of gasoline.

We've seen in the last month gasoline go from $150 a barrel down to wherever it is today, somewhere below $100. And has gasoline dropped by 33 percent? Is gasoline down to $3 or down to $2.70? And why did it come down? Because we drilled? No. Because the speculators got worried. The speculators got worried that Americans were getting smart and they were figuring ways to get around without using gasoline. And so consumption has come down in this country, and suddenly the speculators are really worried.

What if the American people don't do what we expect them to do? What if they don't buy big gas guzzlers anymore? They buy cars that get 35–40 miles per gallon. I drove from my house in Seattle to Spokane for the State convention, over the Cascade Mountains, over 5,000-foot peaks, and you know what? I got 49.5 miles per gallon.

Now, the oil companies are really worried that a lot of people are going to start doing that, and so the speculation on where the price of oil is going to be started coming down. But it didn't affect anything at the pump—maybe 10 cents, maybe five cents, who knows. But we didn't drill a single bit, and yet the gasoline prices came down. So what is it that makes them go up and what makes them go down?

Nothing in this bill from Mr. BOEHNER has anything whatsoever to say about speculation or about oil company profits, not one single word. All he says is, open it up, let them drill anywhere they want. Let them go and sink a drill. In fact, we got some votes out of the Republicans because they actually were drilling in places where the military said this kind of creates a problem, please don't drill there; don't let that area be open for drilling.

And so when people come out here and stand out here and say over and over again, ''we have to drill, drill, drill, drill, drill, that's going to fix it all,'' they haven't looked at our bill.

Now, the Senate is over there, and they're going to send us over a bill here shortly to extend the tax credits on wind and on solar and on geothermal because they know that renewable energy is the way this country has to go. We are not going to solve our problem by drilling inside the Continental Shelf of the United States.

If the President wanted to bring gas prices down, all he would have to do is release some of the oil out of the oil reserve. We've got millions of gallons of gasoline sitting out there. And if the market truly is what we say it is, if there is more supply, then the price should come down. Well, dump some of that reserve out onto the market. It was done once before and gasoline dropped about 15 cents a gallon, but not under this President. They want to keep it up there and keep talking about drilling because this administration has been an oil administration from the very first week. When the Vice President of the United States had in his office a great conference with all the oil people in this country and has kept secret for 8 solid years what was decided there, you have to wonder about what's happened to this country and the average taxpayer and the average person in this society.

So we're here today to deal with a few problems of some kids. And I really appreciate the efforts that have gone in by the bipartisan support on the committee. And I don't really like to get out here and talk like this, but you just can't stand here or sit here and listen to that baloney without ultimately saying, do they really care, or is it just about winning an election? Is it looking for a bumper strip that will work and that the American people will hear ''drill, drill, drill''?

They're going to do it all day long. Every single suspension bill has 20 minutes on each side. So on the Republican side, we're going to be treated to the same litany. It will be different people, I hope. I mean, I don't want the same person coming out here. They're probably lined up somewhere back in the cloak room getting ready to come out on the next bill. But the fact is the American people aren't stupid.

I was saying to my staff as we were listening to this, can you imagine grandma or mom or a father who is out of work? I mean, unemployment in this country is now over 6 percent; it's gone up. You've got banks crashing all over the place; you've got the Federal Government putting $85 billion into trying to save AIG, and you're talking about ''drill, drill, drill.''

Ms. JACKSON-LEE of Texas. Madam Speaker, I stand here today in support of H.R. 1432, ''Supporting the Goals and Ideals of National Adoption Day and National Adoption Month by Promoting National Awareness of Adoption and the Children in Foster Care Awaiting Families, Celebrating Children and Families Involved in Adoption, Recognizing Current Programs and Efforts Designed to Promote Adoption, and Encouraging People in the United States to Seek Improved Safety, Permanency, and Well-Being for All Children'' introduced by Congressman PORTER.

The fundamental purpose of adoption is to serve the best interests of children. It does so by providing loving, responsible, and legally permanent parents when their biological parents cannot or will not parent them. Serving the best interests of children should be paramount in deciding all issues of adoption policy and practice.

Adoption is healthy, satisfying, and good for children, not an enduring challenge to identity and wholeness. The children may have additional questions and curiosities to sort out, but adoption is not a psychological burden or pathology as some theorists treat it. Adoption is the way one joined one's family, not a defining characteristic or lifelong process. Persons adopted as infants grow up as healthy and productive as people raised in their biological families. To the extent there can be a greater risk of emotional or behavioral problems for children adopted out of foster care at later ages, the correlation is not the result of being adopted, but rather of difficulties experienced prior to adoption, such as neglect or abuse. The vast majority of foster children make the transition into their adoptive families and grow up very successfully.

Today, in the United States there are 500,000 children in the foster care system and of those children, there are 129,000 waiting for families to adopt them. The number of youth who ''age out'' of the foster care system by reaching adulthood without being placed in a permanent home has increased by more than 58 percent since 1998, as nearly 27,000 foster youth ''aged out'' of foster care during 2007 which is appalling and unacceptable. In addition, 3 in 10 people in the United States have considered adoption; a majority of them have misconceptions about the process of adopting children from foster care. Many Americans, approximately 45 percent believe that children enter the foster care system because of juvenile delinquency. The reality of the matter is that the vast majority of children in the foster care system were victims of neglect, abandonment, or abuse. Furthermore, almost half of the American population believes that foster care adoption is expensive and are not aware of the fact that there is no substantial cost for adopting children from foster care. Moreover, financial support in the form of an adoption assistance subsidy is available to adoptive families of eligible children adopted from foster care and continues after the adoption is finalized until the child is 18, so that income will not be a barrier to becoming a parent to a foster child who needs to belong to a family.

Passing H.R. 1432 is essential for Congress to demonstrate their support for placing children in safe and positive family environments. The first National Adoption Day was in the year 2000; since then, 20,000 children have joined families during National Adoption Day, and in 2006, adoptions were finalized for over 3,300 children through more than 250 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico.

We must continue to take stride to reach out and do our best to encourage safe, positive environment for the children of the United States. This resolution will enhance the support for successful adoptions and their support for National Adoption Month in November. When orphaned children are placed in a positive, encouraging, and permanent family environment, they are in a situation where they can grow and experience life in a non-threatening way. Adoption is something that benefits the entire Nation as our children are given places where they can feel secure.

I firmly believe that we must pass this legislation to demonstrate our support for Adoption and National Adoption month. This legislation will enable us to promote healthy and safe adoptions and celebrate the successful adoptions that ensure the well-being of children.

Mr. McDERMOTT. I urge my colleagues to vote ''yes'' on this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and agree to the resolution, H. Res. 1432.

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. WELLER of Illinois. 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 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

JACOB M. LOWELL POST OFFICE BUILDING

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6681) to designate the facility of the United States Postal Service located at 300 Vine Street in New Lenox, Illinois, as the ''Jacob M. Lowell Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6681

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

SECTION 1. JACOB M. LOWELL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 300 Vine Street in New Lenox, Illinois, shall be known and designated as the ''Jacob M. Lowell Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Jacob M. Lowell Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I now yield myself such time as I may consume.

Madam Speaker, as a member of the House Committee on Oversight and Government Reform, I stand with my colleagues from my home State of Illinois in consideration of H.R. 6681, which renames the postal facility in New Lenox, Illinois, in honor of Jacob M. Lowell.

H.R. 6681 enjoys the support of the entire House congressional delegation from Illinois and was introduced by Representative JERRY WELLER back on July 30, 2008. The measure was taken up by the Oversight Committee on September 10, 2008 and was passed by the panel by a voice vote.

H.R. 6681 calls for honoring Jacob M. Lowell's service to this country. Jacob M. Lowell of New Lenox, Illinois, was assigned to the 1st Battalion, 503rd Infantry Regiment (Air Assault), 173rd Airborne Brigade, Camp Ederle, Italy, when he died on June 2 near Gowardesh, Afghanistan. He died of wounds suffered when his unit came into contact with enemy forces using a rocket-propelled grenade and small arms fire. This heroic son of Illinois was just 22 years old when he passed away.

Army Specialist Lowell played football for Lincoln-Way Central High School in New Lenox, Illinois.

□ 1400

He graduated in 2003 and 2 years later enlisted in the Army. According to his family, Jacob joined the Army because he wanted to serve his country.

Madam Speaker, in honor of Jacob M. Lowell's service, I urge that we pass without reservation H.R. 6681 and rename the postal facility on Vine Street in New Lenox, Illinois, after this great American serviceman.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise this afternoon to pay tribute to a remarkable American and true

hero, Army Specialist Jacob Michael Lowell, from New Lenox, Illinois.

It was June 2, 2007, and he was on his first patrol of his first tour in Afghanistan with the 173rd Airborne Brigade, working as a gunner when his Humvee was ambushed. To the surprise of no one who knew him, Jacob moved immediately to protect his comrades but was shot and killed. Jacob Michael Lowell was 22.

Madam Speaker, it is appropriate that we rename the post office in his home town in his honor. It will serve as a reminder to those who loved him of his courage and to those who come after him of his character and dedication to his country and fellow citizens.

Army Specialist Lowell was a 2003 graduate of Lincoln-Way Central High School where he played on the offensive line for the school's football team. He was one of those "110 percent guys" who always gave all he had and more.

From there, he went to college at Saint Xavier University and from there, in 2005, he enlisted in the Army. He was assigned to the 173rd Airborne in Vicenzia, Italy. It was there he learned to love to jump form planes. He would call home to Illinois and tell his friends and family when and where he would take his next jump.

He was a man who loved doing his job, serving his country and protecting the freedom we hold dear. And that's why I urge all members to support this resolution.

Madam Speaker, we are here this afternoon to pay tribute to a remarkable American and true hero, Army Specialist Jacob Michael Lowell from New Lenox, Illinois. And to do that, I yield such time as he may consume to my distinguished colleague from the State of Illinois, the author of this bill, Mr. WELLER.

Mr. WELLER of Illinois. Madam Speaker, I rise today in strong support of H.R. 6681, legislation I introduced in honor of Jacob M. Lowell to name the New Lenox Post Office in his honor. I also want to thank Chairman WAXMAN, Ranking Member TOM DAVIS, my very good friend, Chairman DANNY DAVIS, a member of our Illinois delegation, as well as Ranking Member KENNY MARCHANT for their support and assistance today.

Army Specialist Jacob Michael Lowell is a national hero who gave his life for his country on June 2, 2007, near Gowardesh, Afghanistan, while serving in Operation Enduring Freedom. Today the House will be voting on legislation I introduced with the cosponsorship of the entire Illinois delegation which will designate the New Lenox Post Office the "Jacob M. Lowell New Lenox Post Office Building." I urge my colleagues to support this legislation.

Army Specialist Jacob Lowell of New Lenox, Illinois, graduated from Lincoln-Way Central High School in 2003. He attended St. Xavier University before heeding the call to serve his country and enlist in the Army in 2005. Specialist Lowell was assigned to the 1st Battalion, 503rd Infantry Regiment (Air Assault), 173rd Airborne Brigade, Camp Ederle, Italy. He is remembered by his fellow soldiers for being an avid football fan and expressing his support by shouting "Go Bears" at nearly any time.

On June 2, 2007, Jacob Lowell heroically defended his convoy. And as his company commander said, he did his duty all the way up until the end. After already having been hit by small arms fire and facing enemies using rocket-propelled grenades, Specialist Lowell manned a 50-caliber machine gun in defense of many members of his platoon. The wounds he suffered proved to be fatal to Specialist Lowell, but they were not enough to keep him from doing his heroic duty. Those present that day credit Jacob with saving lives.

Hearing such actions reminds us just how brave our men and women in uniform are.

Lowell was awarded the Bronze Star with "V" for valor and the Combat Infantryman's Badge for his actions during the firefight, and on May 12, 2008, his fellow soldiers renamed a combat outpost in Nuristan Province after their beloved, fallen comrade.

Local veterans have always reminded me that it's important to honor our soldiers and veterans each and every day. By naming the New Lenox Post Office after Jacob, we effectively honor all of them. It should be in the hearts and minds of all those who visit this post office that heroes like Jacob both founded our Nation and stand ready to protect it each and every day.

Our sincerest thanks to Specialist Lowell and to his family, and the honor of renaming this post office could never match the gift which Jacob has given our Nation. This honor merely represents that we should never forget the sacrifice which he and all who have sacrificed their lives serving our Nation have made for each and every one of us.

I know that we will all keep the family of Specialist Lowell and those of his fallen comrades in our prayers. I ask again that you will join me in honoring and remembering this extraordinary man whose heroism exemplifies everything that America stands for, and I ask you to support H.R. 6681, the Jacob Lowell New Lenox Post Office Designation Act.

In closing, I would like to thank Joseph Eannello for his hard work on this legislation and for his work in my office over the past 2 years. He has been an asset in my office and done excellent work for the people of the 11th Congressional District of Illinois.

Madam Speaker, I urge bipartisan support of this important legislation to honor someone who has sacrificed for our freedoms.

Ms. FOXX. Madam Speaker, I urge all Members to support the passage of H.R. 6681, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield back the balance of my time, and I urge passage.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6681.

The question was taken.

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

Ms. FOXX. 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 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MAYOR WILLIAM "BILL" SANDBERG POST OFFICE BUILDING

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6229) to designate the facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, as the "Mayor William 'Bill' Sandberg Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6229

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

SECTION 1. MAYOR WILLIAM "BILL" SANDBERG POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, shall be known and designated as the "Mayor William 'Bill' Sandberg Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Mayor William 'Bill' Sandberg Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield such time as she may consume to Representative MCCOLLUM of Minnesota.

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise in strong support of H.R. 6229, which names the post office located at 2523 Seventh Avenue East in North St. Paul, Minnesota, after the late William "Bill" Sandberg, the longtime mayor of North St. Paul.

I want to thank the Oversight and Government Reform Committee for

bringing this bill to the floor. I also want to thank my colleagues in the Minnesota delegation for their support as original cosponsors of this bill.

Naming a post office in honor of Bill Sandberg is a fitting tribute to a dedicated public servant, a successful businessman and a wonderful human being. Bill was loved by the residents of North St. Paul. He was also my dear friend and political mentor. A committed Republican, Mayor Sandberg took me under his wing and instilled in me the lesson that community always comes before politics.

William Sandberg was born in the Selby-Grand Avenue neighborhood of St. Paul in 1932. His family later moved to North St. Paul where he lived the remainder of his life. Bill graduated from North St. Paul High School and the University of Minnesota. After serving our country with honor in the U.S. Army, he returned home to the family business, Sandberg Funeral Home, with his brother Paul. As a funeral director he was respected by his peers. He was a true business leader.

In 1978, the voters in North St. Paul elected Bill Sandberg to serve as mayor. With a fatherly hand he guided the city for 30 years, sharing his warmth, his optimism and his generous spirit with everyone he encountered. A person of great faith, Bill always sought to bring people together in constructive ways to solve the problems of our community. As a mayor, Bill Sandberg's legacy is one of exemplary public service, distinguished by common sense, fairness and compassion.

I was honored to serve under his leadership on the North St. Paul City Council and work closely with him in the following years. I learned from Bill's leadership that the political maxim, ''all politics are local'' was true. It's true whether you serve on a city council or in Congress.

Mayor Bill Sandberg passed away on April 20, 2008. He left behind colleagues, city staff and constituents who loved him. He left behind a loving family who will miss him, his daughter, Karen; son-in-law, Jack; and his grandchildren, Carolyn and William. Bill's wife, Delores, whom he loved profoundly, preceded him in death.

Mayor Sandberg loved the people he served. Upon learning about his leukemia diagnosis, he wrote a letter to the residents of North St. Paul. His letter speaks volumes about the great leader he was. In this letter, Bill acknowledged his illness. He expressed his pride for the community of North St. Paul and a pride that came directly from neighbors coming together to meet the city's challenges. Bill also wrote of his sincere gratitude for having the opportunity to serve the people of his city for so many years.

I would like to conclude with Bill's words to the people of North St. Paul:

''I would like to thank everyone again for making this town a very special place to live and raise families. I do not know what the future holds, but I do know Who holds the future.''

Madam Speaker, I greatly appreciate the support of my colleagues for this legislation. At the time of his death, Mayor Sandberg was the longest serving mayor in Minnesota history. His spirit and service are irreplaceable. For all who knew and worked with him, the blessing of his friendship was a treasure for us all. Recognizing Mayor Sandberg's service and leadership by naming this post office in his honor is a fitting tribute to a man who gave so much to a community he loved.

DEAR CITIZEN, As many of you know, I was recently diagnosed with acute leukemia. And as many of you who have had similar, life-altering diagnoses also know, such an evaluation makes one stop and reflect on what is really important.

Since this is my 30th year serving as your mayor, it is undeniable that you residents and this town have been significant in my life. I have written to you many times about how I appreciate the friendliness of residents and cooperation among residents, businesses, the school district and the city. As I think back, there have been many changes, none of which would have been successful without this cooperation.

Remember when McKnight Fields were under renovation in the early '90s? Local service clubs provided funding for a majority of the work, businesses donated materials, city crews provided the labor. And after the work was done, the city and school district entered a cooperative agreement for allowing the schools to use the fields.

I admit we residents haven't always agreed on everything. For example, there were varying opinions on where the new high school should be located. But as soon as the school opened (in the fall of 1997), we put our differences behind us and reunited as a community.

I'd like to take credit for the many changes that have taken place through the years, but I'm quickly reminded that my pride must be directed to you. It was you citizens who recognized the safety issues in our police and fire departments plus crowded administrative conditions that resulted in construction of our new city hall. It was you citizens who supported construction of our community center. It was you who, through the years, have backed the expansion and construction of public works facilities and park improvements.

And it was the volunteer efforts of you citizens that have certainly contributed to our town being a beautiful place to live. Back in the early '90s we started the Take Pride program, recognizing residents for improvements they were making in their yards and gardens. And what about all the volunteers who have helped through the years with North St. Paul Green? I remember getting a letter from a Maplewood resident who commended the city for its beautification efforts. She said she'd go out of her way to drive through our downtown just to see the flowers! The efforts of our North St. Paul Green volunteers were also recognized by the Midwest Living Magazine, which named North St. Paul one of 20 Midwestern cities with ''hometown pride.''

As I close this letter, I'd like to thank everyone, again, for making this town a very special place to live and raise families. I do not know what the future holds, but I do know Who holds the future!

God bless you all,

BILL SANDBERG,
Mayor.

Ms. FOXX. Madam Speaker, I rise today in support of H.R. 6229, to rename the post office in North St. Paul, Minnesota, in honor of former Mayor William ''Bill'' Sandberg. Mayor Sandberg died April 20 at the age of 76 after serving for more than 30 years as mayor of his beloved hometown.

He graduated in 1950 from North St. Paul High School where he played football and hockey and from the University of Minnesota in 1954 with a degree in mortuary science. After serving his country in the Army, Mayor Sandberg returned to North St. Paul and became a director at his family's business, the Sandberg Funeral Home.

He became mayor in 1978 and began a career known for character, personality, fairness and decorum. Described by fellow members of the City Council as a ''problem solver who could get people to think in different ways,'' he made a point of never coming into a meeting with his mind made up. He also made a point of putting people at ease when they came to testify before the council and for keeping debates focused on the issues at hand, not personalities.

This openness, this credibility, this unflinching optimism brought citizens together even when his ideas didn't enjoy universal support. Among his greatest legacies will be his insistence that Highway 36 run through the center of North St. Paul. Some feared the increased traffic would bring nothing but pollution and gridlock. But Mayor Sandberg insisted that thousands of commuters would visit the city's downtown area who otherwise never would know it existed. This championing of all things North St. Paul permeated everything the mayor did. He considered attendance at local high school hockey games and Chamber of Commerce meetings as important as attending council meetings. He encouraged others to participate in council activities and worked tirelessly to connect citizens to their government.

The city already has begun to honor its beloved former mayor by renaming a bridge in his honor. Let us join in this celebration of an exemplary public servant, support this resolution and rename the local post office in his honor.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I present for consideration and support H.R. 6229, which names a postal facility in North St. Paul, Minnesota, after Mayor William ''Bill'' Sandberg. H.R. 6229 was introduced by Representative BETTY MCCOLLUM on June 10, 2008, and was reported from the Oversight Committee on July 16, 2008, by voice vote. The measure has been cosponsored by the entire Minnesota House delegation and pays tribute to one of the State's most well known public officials.

William ''Bill'' Sandberg was a longtime resident of North St. Paul, Minnesota, who served his beloved city as

mayor for 30 years until his death on April 20, 2008.

□ 1415

First elected in 1978, Mayor Sandberg was reelected seven times. Known for his good sense of humor, Mayor Sandberg once joked that the reason he kept getting reelected was simply because no one else wanted the job.

As mayor, Mr. Sandberg earned a reputation for his ability to bring people together by his warm, personable style. During the controversial meeting of the North St. Paul City Council, Mayor Sandberg once remarked that ''we were friends before the meeting, and while we may not agree on this, we will be friends when we walk out.'' He exhibited this same unique ability in bringing people together when he successfully solved divisive issues, such as the reconstruction of Highway 36.

Before assuming the position of mayor, Bill Sandberg served in the United States Army during the 1950s. He then went on to a successful business career, joining his parents' funeral home business in St. Paul and White Bear Lake, Minnesota.

So, Mr. Speaker, given Mayor Sandberg's commitment to his community, his State and to our country, I urge swift passage of this bill.

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

Ms. FOXX. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from the Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I thank the gentlewoman from North Carolina.

Let me say I rise in support of H.R. 6229, honoring the life and the work and memory of Mayor William ''Bill'' Sandberg of St. Paul, Minnesota. I believe, given the tenure of his career and the durability of his reputation, we can assume in both parties that Mayor Sandberg was a man at the local level that attended himself to what people were really dealing with and he provided leadership.

And it is about just that focus that I also wanted to rise, Mr. Speaker, today. Because I rise this afternoon, I think with millions of Americans, simply to express my frustration, that after only one day of debate, late in the night last night, this Congress again failed to pass a bipartisan bill that would set us on a course for energy independence in the 21st century.

I must tell you that it was equally frustrating today to awaken and see headlines around the country that say ''Congress eases restrictions on drilling.'' But I don't want to be critical of my friends in the Fourth Estate. This bill was revealed to the world 24 hours before it was voted. It was written in the back rooms here in the Capitol, not considered by committees, but brought to the floor abruptly the night before last and just as abruptly voted without amendment or without serious consideration in the Congress. So I won't fault members of the media, who didn't understand that the drill-nothing Democrat Congress actually only moved to a position that was the drill-almost-nothing Democrat Congress.

But this legislation, despite the headlines, is a story worth telling. For the past 20 months, until last week, the Democrat majority in Congress made one thing more clear than anything else; there would never be a vote on more domestic drilling in America. Speaker NANCY PELOSI repeated her personal and historic opposition to drilling and said that she would never permit a vote. And they adjourned on August 1, turned off the cameras and turned off the lights.

But Republicans refused to leave. We held this floor during the entirety of the August recess, and during that time the Democrat majority changed their position. In a very real sense, millions of Americans contacted their Members of Congress and said we want more access to American oil. We want Congress to come together and compromise on conservation, fuel efficiency, solar, wind, nuclear, an all-of-the-above strategy. But we want a bill that allows us to drill into our domestic resources. And, to their credit, the Democratic majority relented in their historic opposition to drilling.

But the bill that came to the floor abruptly and was just as abruptly passed last night failed in many counts. Not only did it bring with it an enormous tax increase, not only did it bring with it no opportunity for new refineries, no opportunity for nuclear energy development and other powerful alternatives, but also this bill truly brought with it very little, if any, opportunity to drill into our own domestic reserves.

The bill seems to allow drilling, but not within 50 miles of shore. Most experts say that 88 percent of our domestic reserves are within 50 miles of the shoreline of the east coast and the west coast and the eastern Gulf. Beyond that, the Democrat bill that passed last night would allow drilling, but only if States vote by referendum or in their legislature to permit the drilling.

That sounds reasonable enough. But what is not reasonable is the Democratic bill, unlike current law for Gulf States that allow drilling, the Democratic bill offered States no revenue whatsoever. So people in South Carolina, people in California, would presumably have to decide for themselves or their elected representatives decide to allow drilling off of their shore if it meant nothing financially to their State coffers.

Also there was a failure to provide any streamlined judicial review or litigation reform, leaving any drilling that would be allowed beyond the 50 mile limit to be tied up immediately in court, as hundreds and hundreds of leases are tied up today.

So that is why I say, and I attempt to be intellectually honest about this, Mr. Speaker, the Democratic majority did move on their energy policy about drilling. They went from a drill-nothing Democrat Congress to a drill-almost-nothing Democratic Congress.

And last night, most sadly, they passed on an opportunity that some 40 Democrats had been working tirelessly to develop, legislation coauthored by Congressman ABERCROMBIE and Congressman PETERSON that is a truly bipartisan solution. I was a cosponsor of the bill myself. Dozens upon dozens of Republicans joined us in the bill, as well as I believe 40 Democrat Members of Congress.

When it came time for the Republicans to offer their alternative, quite frankly, we could have played some sort of a game, but we think that the American people are struggling under the weight of record gasoline prices. Families are hurting, seniors are hurting, and this was not time for political posturing or games. So we brought the bipartisan bill to the floor as our alternative.

Strangely, unless I can be corrected, only 13 of the Democrats out of the some 40 who cosponsored the bill voted for it. It was a true bipartisan bill that had been fashioned through tough bipartisan negotiation over months of time, and it was rejected by many of the same Democrats who had worked to build the legislation.

We missed an opportunity last night, Mr. Speaker, to truly do something for the American people, to do something, as Daniel Webster says on words on these walls, to do something worthy to be remembered.

So I rise today to pay sincere tribute to Mayor William ''Bill'' Sandberg. I am confident that this tribute on this Post Office is altogether fitting.

But I also rise to just simply express my frustration that, at a time when we hear about one bailout after another, this Democrat majority passed an energy bill last night that Democrat Senator MARY LANDRIEU even said was ''dead on arrival in the Senate.'' We accomplished nothing to set this Nation on a course of energy independence.

So our message is very simple: We are not going away. We are going to fight on this floor in every moment that we have left, in the waning days of this Congress and in the weeks preceding our national election, to demand that this Congress roll our sleeves up and seek that bipartisan consensus that does exist.

Let me say from my heart, I truly believe that there is a bipartisan majority in this Congress that would say yes to conservation, yes to fuel efficiency, yes to solar, wind and nuclear, and would say yes to a substantial increase in domestic drilling that was real and significant and would lessen our dependence on foreign oil.

So Republicans are going to stay in this fight. Bailouts for corporate America, but no relief for our citizens struggling under the record weight of gasoline prices is not acceptable to Republicans in this Congress. We will stay on this floor. We will continue in this fight. We are not going away until the American people have a bipartisan strategy that sets us on a short-term course to lessen our dependence on foreign oil and on a long-term course for energy independence in the 21st century.

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

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 6229.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of our time and urge passage.

The SPEAKER pro tempore (Mr. ROSS). The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6229.

The question was taken.

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

Ms. FOXX. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

ARMY SPC DANIEL AGAMI POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6338) to designate the facility of the United States Postal Service located at 4233 West Hillsboro Boulevard in Coconut Creek, Florida, as the ''Army SPC Daniel Agami Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6338

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

SECTION 1. ARMY SPC DANIEL AGAMI POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4233 West Hillsboro Boulevard in Coconut Creek, Florida, shall be known and designated as the ''Army SPC Daniel Agami Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Army SPC Daniel Agami Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. KLEIN), who introduced this legislation.

Mr. KLEIN of Florida. Mr. Speaker, I thank the chairman.

I rise in support of H.R. 6338, a bill to honor the life and legacy of Specialist Daniel J. Agami, who was killed in action on June 21, 2007, while serving his country in Iraq.

Daniel Agami was a devoted friend, a loving son and brother and courageous soldier. Growing up in South Florida, Daniel's parents raised him with strong Jewish values, and he was very proud of his Jewish heritage. To his friends, and he got quite a kick out of it, he was known as ''GI Jew.'' A little different.

Daniel knew he was meant to serve a greater purpose in life, and in 2005 his love for country and an unyielding drive to serve others led him to enlist in the United States Army. For his heroism in combat, Daniel was posthumously presented with multiple medals of honor, including the Bronze Star, the Purple Heart, the Good Conduct Medal, the Global War on Terrorism Service Medal, the Iraqi Campaign Medal, and the Combat Infantryman's Badge.

During his service in the U.S. Army, Daniel worked with local schools, devastated from war and destruction, to refurbish their structures and mentor their students.

The communities he served in Iraq and here at home have suffered a tremendous loss. Daniel made the ultimate sacrifice for his country, and it is with great pride that I rise in support of this legislation to recognize his strong moral character and his work to make this world a better place.

It is my sincere hope that when the South Florida community utilizes the services of the post office in Coconut Creek, Florida, they will remember and honor Army Specialist Daniel Agami and his exceptional patriotism and courage.

I would like to also thank the members of the Florida congressional delegation for their strong support of this legislation. I would also like to recognize the Agami family: Parents, Beth and Itzhak; brother, Ilan and his wife, Elisha; sister, Shaina; and grandmother, Sandy Becker. The Agami family will be in Washington D.C. later this week where they will celebrate and honor Daniel's life and memory.

I urge passage of this piece of legislation.

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

Mr. Speaker, I rise today in support of this bill to designate the facility of the United States Postal Service located at 4233 West Hillsboro Boulevard Coconut Creek, Florida, as the Army SPC Daniel Agami Post Office Building.

□ 1430

United States Army Specialist Daniel J. Agami was, in the words of his grandmother, ''the best of the best.'' He was much more than a soldier. He was a leader, a selfless patriot, and a joyous young man with a huge heart.

Born in Ohio, Daniel moved with his family to south Florida when he was 4. He attended the Hebrew Academy Community School and Coconut Creek High School and was in college when he decided he was meant for a higher purpose. Without consulting friends or family, Daniel answered his calling and enlisted in the Army.

Daniel brought the Army more than service and bravery. He brought his good humor, his tremendous heart and the moral conviction that he served something far greater than himself.

Affectionately known by his fellow soldiers as ''GI Jew,'' he strove constantly to improve the lives of those around him. When he was not educating his fellow soldiers about his religion, he was serving as a mentor to orphaned children in Iraq. In the words of his father, ''He had 10,000 friends, and 10,000 friends thinking he was their best friend.''

On June 21, 2007, Daniel Agami was killed while on patrol in Baghdad. He was only 25. More than 1,000 people attended his funeral. He was posthumously promoted to specialist, and his parents were presented with a number of medals, including the Bronze Star, Purple Heart and the Good Conduct Medal.

Daniel died defending his core belief that America fights for the freedom and survival of the entire world. As one friend recalled, ''He had said that if, God forbid, anything happened to him, this is where he belonged.''

A loving son, brother, grandson and friend, Daniel Agami will be missed, and not just by those 10,000 best friends, but by all Americans who cherish freedom and courage and honor.

I urge my colleagues to support this bill so that the life of this courageous young man and all that he stood for will not soon be forgotten.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as Chair of the House subcommittee with oversight authority for the United States Postal Service, I stand in support of H.R. 6338, which renames a postal facility in Coconut Creek, Florida, in honor of Specialist Daniel Agami.

H.R. 6338 enjoys the support of the entire House delegation from Florida

and was introduced by my colleague, Representative RON KLEIN, on June 20, 2008. The measure was taken up by the Oversight Committee on July 16, 2008, where it was passed by voice vote.

H.R. 6338 calls for honoring Specialist Daniel Agami for his unwavering commitment, service and sacrifice to America. Army Specialist Daniel Agami died on June 21, 2007, in Baghdad from injuries he suffered when an improvised explosive device detonated near his vehicle. He was assigned to the 1st Battalion, 26th Infantry Regiment, 2nd Brigade Combat Team, 1st Infantry Division, Schweinfurt, Germany.

While in college in 2005, he enlisted in the Army and was deployed to serve in Iraq the following year. Army Specialist Agami not only served as a combat soldier, but he was also a mentor for orphaned children in Iraq. Described as having a sunny personality, he was loved by the children he worked with and is certainly missed.

Daniel's parents were presented with his Purple Heart and Bronze Star at his funeral. Agami was also posthumously honored with the Good Conduct Medal, the Global War on Terrorism Service Medal, the Iraqi Campaign Medal and the Combat Infantryman's Badge.

In honor of his tremendous service to this country, I urge my colleagues to join me in passing H.R. 6338 and renaming the postal facility on West Hillsboro Avenue in Coconut Creek, Florida, after Specialist Daniel Agami.

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

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 6338, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I would urge passage and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 6338.

The question was taken.

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

Ms FOXX. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

MICKEY MANTLE POST OFFICE BUILDING

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 171) to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the ''Mickey Mantle Post Office Building''.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 171

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

SECTION 1. MICKEY MANTLE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, shall be known and designated as the ''Mickey Mantle Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Mickey Mantle Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Minnesota (Ms. MCCOLLUM) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentlewoman from Minnesota.

GENERAL LEAVE

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

S. 171 renames a postal facility in Commerce, Oklahoma, in honor of Mickey Mantle, the great American baseball player.

The House Oversight Committee received S. 171 after it had been considered and passed by our colleagues in the Senate. The measure was originally introduced by Senator JAMES INHOFE of Oklahoma back on January 4, 2007, and the Oversight Committee passed the bill by voice vote on June 12, 2008.

S. 171 calls for honoring Mickey Mantle by designating the post office in his hometown of Commerce, Oklahoma, as the Mickey Mantle Post Office Building. Mickey Mantle was born on October 20, 1931. Named Mickey by his father after the Philadelphia Athletics Hall of Fame catcher, Mantle is one of the greatest American baseball players of all time. In 1974, he was inducted into the National Baseball Hall of Fame, and his uniform number 7 was retired, celebrating his 18 years of playing for the New York Yankees.

Mr. Speaker, in honor of Mickey Mantle, let us pass, without reservation, S. 171 and rename the post office facility on Commerce Street in Commerce, Oklahoma, after this legendary American athlete.

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

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

I rise today in support of S. 171, to rename the post office in Commerce, Oklahoma, for the town's most famous citizen, Mickey Charles Mantle.

Mickey Mantle was a true American hero. He was an outfielder for the New York Yankees, a first-ballot Hall of Famer with 536 career home runs. When he hit them, they flew.

He hit the longest home run ever at the old Yankee Stadium—it hit the top facade in right field—and the longest ever at Washington's old Griffith Stadium and at Detroit's old Tiger Stadium. The term ''tape-measure home run'' was invented when the Yankees' traveling secretary used a tape to measure the Griffith Stadium blast at 565 feet.

Named for Mickey Cochrane, another baseball Hall of Famer—Mantle often joked that he was glad his father didn't know Cochrane's real first name was Gordon—the Mick was a three-sport star at Commerce High. A New York Yankees' scout who came to see a teammate play in a semipro game saw Mantle hit titanic home runs from both sides of the plate and tried to sign him on the spot, only to find that he was still 16, still in high school, and ineligible for pro ball. The scout told Mickey he would return the day he graduated from high school, and he did.

Four years later the Mick was in right field in Yankee Stadium, and Joe DiMaggio was patrolling center field. Both took off to run down a scorched liner to right field. As they arrived at the ball, DiMaggio called off Mantle. Mantle tried to stop, but caught his cleats in a sprinkler head. He went down ''like he was shot,'' said one observer.

In many ways, this blazing fast, preternaturally powerful athlete was never the same. He went on to win a Triple Crown in 1956, claim three American League Most Valuable Player awards, make 16 All-Star teams and win seven world championships. He still holds the records for most home runs, RBIs, runs, walks, extra-base hits and total bases in the World Series.

As great as he was, the question that dogs his legacy is, what if? What if he had stayed healthy? What if he had never contracted osteomyelitis, a crippling bone disease in high school? What if he had never been plagued by other diseases and injuries, including alcoholism?

He is number 17 on the list of the greatest 100 players of all time. Where might he have ended up otherwise? Who in baseball history might today be considered above him?

The Mick was not a great businessman, and many of the ventures he funded with his top salaries for the Yankees proved unsuccessful. But he made another fortune in the memorabilia market. His signature and artifacts fetched sums second only to those of Babe Ruth.

Why? He moved with a breathtaking grace. He was that rarest of commodities, the fastest and most powerful guy on the team. Moreover, he smiled. He connected with fans. He looked like

he was having fun. Even though he was as far culturally from a New Yorker as he could be, the Yankee faithful embraced him. He later teamed with fellow Oklahoman and Yankee Bobby Murcer to raise money for victims of the Oklahoma City bombing.

He led an imperfect life, but he did what he could to redeem himself. He went into treatment and later turned to faith to deal with his increasing infirmities. When he died on August 13, 1995, in Dallas, Bob Costas, the famous sportscaster, gave his eulogy. Costas described him as ''a fragile hero to whom we had an emotional attachment so strong and lasting that it defied logic. In his last year of his life, Mickey Mantle, always so hard on himself, finally came to accept and appreciate the distinction between a role model and a hero. The first, he often was not. The second, he always will be.''

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

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I yield 2 minutes to the gentleman from California, Representative BACA.

Mr. BACA. I appreciate Congresswoman VIRGINIA FOXX talking about Mickey Mantle. He was an idol to many of us that played a lot of sports. I know as a young gentleman who was playing during that period of time, I admired Mickey Mantle.

Not only was he a positive role model for myself, in terms of trying to aspire to become a professional baseball player during the time I was in high school, but he was a coal miner, an individual that came from that area in Oklahoma that showed us that with hard work and dedication that you can make it.

Not only hearing the history of his personal life but what he did for a lot of us, because not only did he hit from both sides of the plate, which is very important for many individuals, we saw a switch hitter that could hit a lot from both the left and the right. We saw the competition that he led with Roger Maris during that period of time when they were competing for the home run championship.

I think having a post office named after Mickey Mantle is a great honor for many individuals, especially as we look at many of the Little Leaguers that play in Little League right now that look towards major league ball players who have played in the past who were a positive inspiration to many of us who say that if you can lead, you can be an inspiration to a lot of us. Therefore, I say that we should support this kind of legislation in naming the Mickey Mantle Post Office Building.

I support the legislation, which is S. 171, and I compliment Congresswoman VIRGINIA FOXX for carrying on and going through a whole history of his history and background, where he came from.

□ 1445

Ms. FOXX. Mr. Speaker, all of my family were Yankee fans. My father and uncles and all of the family were strong Yankee fans. They were born and raised in New York City. They were Yankee fans and certainly Mickey Mantle fans. I know they would be pleased to see me presenting this bill on the floor today.

But I know they also would be upset with me if I did not talk about the problems we are facing in this country related to gas prices because most of my family, as they got older, moved out of New York City and moved out into rural areas, where they didn't have access any longer to mass transit as they had had when they lived in New York City, and depended on having automobiles and having to drive and pay for gasoline.

What we are seeing now in this country is a very big burden on people who live in rural areas such as my district where most of the people are without access to mass transit.

I want to talk a little bit about the failure of the Democrats in charge of this Congress for not doing anything to bring down the price of gasoline. Speaker PELOSI in 2006 promised that the Democrats had a commonsense plan to bring down the price of gasoline. We haven't seen that commonsense plan. The bill that passed yesterday was a sham and an illusion. It was a way to simply give cover to Democrats who are in tough reelection situations. I think it is a real shame. Not only are we hurting people who live in rural areas, but we are hurting the baseball fans who would like to be able to go to baseball games and be able to celebrate this wonderful game we are talking about when we honor Mickey Mantle.

One of the things that was wrong with the bill that passed, there was nothing there to be able to stop all of the legal challenges by radical environmental groups that are blocking or significantly delaying oil leases and production. We now know from having done some investigation that radical environmentalists are challenging every single lease that is being awarded to be able to bring more gas and oil online.

In February 2008, the administration issued 487 leases in the Chukchi Sea sale 193, and every single one of those has been challenged under the National Environmental Policy Act and the Endangered Species Act.

In addition, for 2007–2012, there was a 5-year OCS leasing program, and every single one of those leases has been challenged.

There are 748 leases in the Chukchi-Beaufort Seas which have been challenged.

What Republicans wanted to do, and we had absolutely no opportunity to be able to do so, was to bring amendments to these bills, another promise broken by the Democrats in charge of the Congress.

We were told when the Democrats took over that we would be in the most open, most bipartisan Congress in the history of the Congress. All bills would be brought through committee, all bills would be allowed to be amended on the floor. So far that has been a hollow promise. The so-called energy bill that was passed yesterday was never brought to committee. It should have been assigned to about eight different committees. It didn't go to a single one. It was brought straight to the floor under a closed rule and no amendments were allowed.

Had we been allowed to offer amendments, one of the things we would have done would have been to offer an amendment that would have allowed for lawsuits to be filed. We don't want to stop the judicial process. However, we think that it should be done in a way that will expedite these leases.

We keep hearing from the Democrats that the oil companies have millions of acres under lease that they are not doing. The reason is their good friends, the trial lawyers and the radical environmentalists, are stopping the leases from being exercised by bringing lawsuit after lawsuit after lawsuit.

We must stop this if we are going to help the American people and bring down the price of gasoline. The Democrats cannot run away from their responsibility of being in charge of the Congress and denying the opportunities that should be presented to the American people to see the price of gasoline come down.

So while we are here today honoring Mickey Mantle, honoring the American pastime of baseball, Democrats have to take responsibility for denying people the opportunity to go to their baseball games and do other things they would like to do because they are responsible for the price of gasoline having doubled in the 20 months they have been in charge of the Congress.

I reserve the balance of my time.

Ms. MCCOLLUM of Minnesota. Yesterday Members of Congress had a clear choice, voting for a plan that sided with American taxpayers and consumers struggling with energy costs or to continue to argue for a plan that sides with the Big Oil companies reaping the largest profits in American history.

Yesterday, the House, under Democratic leadership, passed the Comprehensive American Energy Security and Consumer Protection Act. Let me tell you what that plan does. It lowers prices for consumers and protects taxpayers. It expands domestic drilling offshore and on land. It expands renewable sources of energy. It increases our security by freeing America from the grip of foreign oil, and it requires Big Oil to pay back what it owes taxpayers. It ends the subsidies to the oil companies, and it creates good-paying jobs right here in America.

The plan that we passed yesterday truly gives the American people an opportunity to have security and to have a brighter future with renewables as part of our energy mix.

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

Ms. FOXX. Mr. Speaker, I want to say that I wish that what the gentlewoman had said was true. I wish that the bill that passed yesterday would do something to bring down the price of gasoline. If that were true, it would have had a unanimous vote. Instead, Republicans voted against it and many Democrats voted against it because we know that the bill is going absolutely nowhere. It was simply cover for Democrats who are in tight election races.

It is a cynical, cynical ploy on behalf of the Democrats, and I am so sorry to see that because I think ultimately people will be held responsible for the cynical ploys that they perpetuate against the American people.

With that, Mr. Speaker, I urge all Members to support the passage of S. 171.

I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I am new to managing bills on the floor, and I was going to ask if that was the proper procedure, and so thank you for explaining that to us again on the floor. And I know that the gentlewoman in no way, shape, or form meant to imply that I was a liar on the floor.

Mr. Speaker, as a young girl there weren't too many baseball cards I was actually very interested in collecting. But let me tell you, there were a few. Harmon Killebrew, Tony Oliva, and I knew if I could get a Mickey Mantle card, I could collect the other two.

I am very honored to be here today to have the opportunity to support S. 171. Mr. Speaker, I encourage all Members of the House to support this post office renaming of a fabulous athlete, Mickey Mantle of the New York Yankees.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Minnesota (Ms. MCCOLLUM) that the House suspend the rules and pass the Senate bill, S. 171.

The question was taken.

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

Ms. FOXX. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 5551. An act to amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, and for other purposes.

H.R. 5893. An act to reauthorize the sound recording and film preservation programs of the Library of Congress, and for other purposes.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 3023. An act to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes.

S. Con. Res. 87. Concurrent resolution congratulating the Republic of Latvia on the 90th anniversary of its declaration of independence.

CEECEE ROSS LYLES POST OFFICE BUILDING

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6772) to designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the ''CeeCee Ross Lyles Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6772

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

SECTION 1. CEECEE ROSS LYLES POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, shall be known and designated as the ''CeeCee Ross Lyles Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''CeeCee Ross Lyles Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Minnesota (Ms. MCCOLLUM) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentlewoman from Minnesota.

GENERAL LEAVE

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I rise in support of H.R. 6772 which aims to rename the postal facility in the city of Fort Pierce, Florida, after CeeCee Ross Lyles, who was a flight attendant aboard United Airlines Flight 93 during the horrible attacks of 9/11.

H.R. 6772, which was introduced by the gentleman from Florida (Mr. MAHONEY) on August 1, 2008, was reported from the Committee on Oversight and Government Reform on September 10, 2008, by voice vote. The measure has the support of Florida's entire House congressional delegation and recognizes Mrs. Lyles for the upstanding life she lived and the legacy she leaves behind.

CeeCee Ross Lyles has been described as a strong, smart, street-savvy young lady. Before becoming a flight attendant, she spent 6 years on the Fort Pierce Police Department where she worked her way from patrol officer to detective and was respected widely by her colleagues.

Although CeeCee enjoyed working as a law enforcement officer, on October 11, 2000, she walked away from her job as a cop to pursue a lifelong goal of hers, which was to become an airline flight attendant. It was this decision that would lead her to join the ranks of United Airlines on the morning of September 11, 2001. Along with other crew members and passengers, she would be faced with the unthinkable, a hijacked airline carrier.

Moments before Flight 93 went down in the field of Shanksville, Pennsylvania, CeeCee dialed home twice on a cell phone to tell her husband, Lorne, of the hijacking and to send her love to her boys, Javon, Jerome, Justin and Jordon.

A devout wife and mother to her sons, CeeCee lost her life far too early, like so many others on that tragic day in history. While last week the country stopped to remember the victims of 9/11, today we take a moment to acknowledge one individual in particular, and that is CeeCee Ross Lyles, crew member of Flight 93.

Mr. Speaker, I hope my colleagues will join me in supporting H.R. 6772, which renames the Orange Avenue Post Office in Fort Pierce, Florida, after Ms. Lyles, an honor certainly befitting of this fallen hero. Again, I urge passage of the bill.

I reserve the balance of my time.

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

I rise today in support of this bill designating the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the CeeCee Ross Lyles Post Office Building.

□ 1500

Born and raised in Fort Pierce, CeeCee Ross Lyles was a role model in her community. She worked several jobs to support her family and still found time to volunteer at a local Christian women's shelter.

For 6 years Lyles served at the Fort Pierce Police Department. During that

time she became known for her willingness to tackle fleeing criminals, worked her way up to detective, and was up for a promotion to sergeant.

In October 2000, Lyles saw a chance to pursue a lifelong dream and left the Fort Pierce Police Department. Through employment with United Airlines as a flight attendant, Lyles found new experiences and opportunities to travel.

Sadly, her life ended less than a year later, on September 11, 2001. Lyles was among the heroic crew on United Flight 93, which, along with the passengers on board that day, overtook the terrorists and prevented them from completing their diabolical plot.

Ultimately, the plane crashed in a field in Shanksville, Pennsylvania, killing the 44 people on board, but saving an untold number of American lives, including, perhaps, many of us as that plane almost certainly was headed for this building. Moments before the plane went down, Lyles called her husband and prayed for her family, herself and everyone aboard the plane.

CeeCee Ross Lyles was a loving wife and mother and a devoted member of her community whose life was cut short by the tragic events on September 11, 2001. I urge my colleagues to support this bill in her memory.

I reserve the balance of my time.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I yield 5 minutes to the gentleman from Florida, Representative MAHONEY.

(Mr. MAHONEY of Florida asked and was given permission to revise and extend his remarks.)

Mr. MAHONEY of Florida. Mr. Speaker, I rise in support of H.R. 6772, my bill to name the United States Post Office at 1717 Orange Avenue in Fort Pierce, Florida after CeeCee Ross Lyles, a true hero from my district who died tragically on September 11, 2001.

I would like to thank Chairman WAXMAN and his staff for their help in moving this very important piece of legislation to the floor. I would also like to acknowledge my distinguished colleague, Mr. HASTINGS, who also represents Fort Pierce, for his support of the bill, and all the other colleagues who represent the State of Florida who unanimously support this important piece of legislation.

CeeCee Ross Lyles was a flight attendant on United Airlines Flight 93, which crashed in a Pennsylvania field on September 11. Passengers on the flight, along with CeeCee and other flight attendants, fought back against the hijackers after learning that other planes had been flown into the World Trade Center and the Pentagon.

Shortly before Flight 93 crashed, CeeCee called her husband, Lorne, and told him she loved him and she loved her children.

CeeCee was born and raised in Fort Pierce where she served as a police officer for 6 years. In those years as a police officer, she had worked her way from patrol officer to detective, and was respected for her willingness to tackle fleeing criminals.

Fulfilling a lifelong goal to travel, she became a United Airlines flight attendant in 2000, where she served with distinction.

CeeCee had a true and giving spirit. She loved her volunteer work at a women's shelter that two of her aunts helped found in Fort Pierce. Through her work at the shelter she served as a role model, showing women that they could make their own way if they tried hard enough.

I am proud to name this post office in honor of a true American hero, CeeCee Ross Lyles. I urge my colleagues to join me in honoring this most worthy hero.

Mr. HASTINGS of Florida. Madam Speaker, I rise today in support of H.R. 6772, a resolution designating the post office located at 1717 Orange Avenue in Fort Pierce, Florida, as the "CeeCee Ross Lyles Post Office Building." As a cosponsor of this legislation, I would like to like to express my appreciation for the effort of my good friend from Florida, Congressman TIM MAHONEY, for introducing this important legislation. He and I share the privilege of representing Fort Pierce in the House.

Through the designation of this post office we honor the memory of Ms. CeeCee Ross Lyles. Ms. Lyles was a flight attendant aboard United Flight 93 on that fateful day, 9/11 over 7 years ago. Shortly before the plane crashed, Ms. Lyles called her husband to tell her that she loved him. While her time on earth was cut short by terrorists, her memory will live on in our community. This post office designation will forever commemorate the life of Ms. Lyles.

Ms. Lyles was a true Fort Pierce Floridian through and through. She was born and raised in Fort Pierce and later served as a police officer for 6 years there. In 2003, the City of Fort Pierce erected a statue of Ms. Lyles in the Liberty Garden at Veteran Memorial Park.

The legislation before us today ensures the memory of Ms. Lyles and all other 9/11 victims live on in our collective memory. I urge swift passage of this legislation to properly recognize and memorialize the heroes of 9/11 and the life of Ms. CeeCee Ross Lyles.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H.R. 6772, and yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Minnesota (Ms. MCCOLLUM) that the House suspend the rules and pass the bill, H.R. 6772.

The question was taken.

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

Ms. FOXX. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

CELEBRATING THE 221ST ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1356) celebrating the 221st anniversary of the signing of the Constitution of the United States of America, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1356

Whereas the Constitution of the United States of America was formally signed on September 17, 1787, by 39 delegates from 12 States;

Whereas the Constitution of the United States was subsequently ratified by each of the original 13 States;

Whereas the Constitution of the United States was drafted in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for citizens of our Nation;

Whereas the liberties enjoyed by the citizens of the United States today are rooted in this cherished document that gave birth to our Nation;

Whereas the Constitution of the United States serves as the foundation for citizens of the United States to accomplish a level of prosperity, security, justice, and freedom unsurpassed by any other country;

Whereas the Constitution of the United States is a model for establishing freedom in other countries;

Whereas the Members of the House of Representatives take an oath to support and defend the Constitution of the United States; and

Whereas September 17, 2008, is the 221st anniversary of the signing of the Constitution of the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates the 221st anniversary of the signing of the Constitution of the United States of America;

(2) honors the efforts of the 42 delegates who attended the majority of the Constitutional Convention meetings and the 39 signers of the Constitution of the United States;

(3) acknowledges the significance of the ideals established by the Constitution of the United States, including the principle of a limited Federal Government with a system of checks and balances between the 3 branches;

(4) recognizes the Constitution of the United States as the source responsible for our Nation's ability to withstand calamity and preserve national stability, or as Thomas Jefferson wrote, "Our peculiar security is in the possession of a written Constitution"; and

(5) encourages the citizens of the United States of America, who have the privilege to share in the freedoms recognized in the Constitution of the United States, to join with the House of Representatives in this historic celebration.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Minnesota (Ms. MCCOLLUM) and the

gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentlewoman from Minnesota.

GENERAL LEAVE

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Ms. MCCOLLUM of Minnesota. I yield myself such time as I may consume.

Mr. Speaker, today marks the 221st anniversary of the signing of the U.S. Constitution, the document that is the basis for our country and the government it is built upon. House Resolution 1356, as introduced, is designed to pay tribute to this historical event.

The supreme law of the land, the U.S. Constitution was adopted on September 17, 1787, by the Constitutional Convention in Philadelphia, Pennsylvania, thereby replacing the Articles of Confederation. Shortly after the signing of the Constitution, each State held individual conventions in order to ratify the document in the name of the people.

Since its inception, the Constitution has been amended 27 times, with the first 10 amendments, of course, being our Bill of Rights and other significant amendments, including the 13th amendment abolishing slavery, the 14th amendment which bestowed the right of due process upon all citizens, and the 19th amendment which forbid the denial of the right to vote based on gender.

Mr. Speaker, much can be said about the growth and development of our Nation and the fact that through all of it, whether in times of peace or war, the U.S. Constitution has withstood the test of time. On this, the 221st anniversary of the signing, let us stand in unison, putting aside our partisan distinctions and differences in order to celebrate, as Americans, strong and mighty, the framing document of our country, the U.S. Constitution.

I thank the gentleman from New Jersey for offering this measure, and I am sure my colleagues will join me in supporting the passage of House Resolution 1356.

I reserve the balance of my time.

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

Mr. Speaker, it is truly an honor to be able to be here today and speak on the anniversary of our Constitution. On this day, 221 years ago, the Constitution of the United States was signed in Philadelphia. Today we honor the hard work and commitment of the 42 delegates to that Constitutional Convention. In retrospect, the accomplishment of those delegates continues to grow and sets a bar for legislative effectiveness for nations all over the world to try to equal.

When I go out and talk to school groups about serving in Congress, I always use the Constitution as my point of reference, and I try to point out to them what a radical idea this entire country is and was. At the time that we sought our independence from Great Britain, no people in the world had ever sought to set themselves up in the way our government did. The Constitution is the basis of all that has helped make us and keep us great.

The Constitution signed that day contained only 4,400 words. It is the oldest and shortest written Constitution of any major government in the world. Yet in those few words, the framers laid out a plan for self-government which has insured American liberty, adapted to technological and cultural changes, and expanded civil liberty in this Nation over the past two centuries.

I also point out to those school children that in my opinion the most important words written, outside the Bible, are the words ''We the People'' which begin the preamble to the Constitution, because, again, that was a radical notion in those days.

The delegates who gathered in Philadelphia faced a daunting task. The Nation had already experienced failure in the form of the Articles of Confederation which did little to unify the States into a coherent national unit.

So the question was certainly an open one: Could these delegates, who came from every corner of the Nation and every walk of life, find a new way to create a functioning, unified nation while still respecting the rights and needs of each individual region and State?

They succeeded beyond their wildest expectations. The form of government developed by these delegates wasn't perfect, but the foundation they laid sustained us through wars and times of internal tumult.

The question for all Americans today is, what can we learn from the accomplishment of the framers of our Constitution?

Certainly they taught us there's no shame in contending forcefully for your convictions. But they also taught us that the discipline of respect for your adversary and the virtue of understanding how and when to strike the best compromise possible are the foundations of civil discourse. These are lessons every American would do well to remember.

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

Ms. MCCOLLUM of Minnesota. Mr. Speaker, at this time I would like the gentleman from New Jersey (Mr. PASCRELL), who brought this forward for us to debate today, to have 5 minutes of time.

Mr. PASCRELL. Mr. Speaker, this is a very important piece of legislation because we not only recognize the Constitution of the United States, but we do what President Clinton said just a few weeks ago in Denver, and that is, that we will be known by the power of our example, rather than the example of our power. This is what makes America the greatest country in the world.

Mr. Speaker, I rise today to celebrate both the signing of the Constitution and the fundamental principles of the document that each of us pledge to uphold and defend when we take our oath of office.

And I am proud to wear this every day by my heart, as with our great patriarch in the Senate, Senator BYRD.

Alexander Hamilton once said, ''The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written, as with a sunbeam, in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power.''

The Constitution upholds our rights. We are given these rights by our Maker. That's what makes us all equal at birth, regardless of our religious background, our ethnicity or anything.

Hamilton understood that the rights our founders enshrined in the construction come not from men but from God. That's what makes us all equal, not the Constitution.

Today, 221 years after its signing, public school students across the country will be studying the history of the Constitution. They will learn about James Madison, the father of the Constitution and his vision for the Federal Government. They will learn about the separation of powers into a legislative branch, and executive and judiciary branches, and they will learn about the checks and balances designed to keep one of those departments, one of those areas, those branches from growing too powerful.

Hear me, Mr. Speaker. These are the enduring principles that have stood the test of time. They've become the inspiration and the basis for the governments of countless countries around the globe.

Mr. Speaker, I would be remiss if, on this day when we celebrate this Constitution, I did not discuss the willful disregard for the fundamental principles of our Republic that we have seen over the last 8 years.

Today we have an executive that has disregarded the checks and balances enshrined in the Constitution that have sustained our government for the past two centuries. They have shown complete contempt for article I, section 8, which defines the powers of the Congress in their management of the war and of our economy. I am sad to say that we all have allowed this power to be ceded, both sides of the aisle. Neither party has been a sentinel of our precious Constitution.

□ 1515

We have seen nothing but obstruction in our attempts to perform meaningful oversight of our Federal Government.

The administration's secrecy and unwillingness to cooperate with the Congress' constitutionally mandated oversight powers have reached the point of

ridiculousness. We have actually had to sue the Federal Government—hear this—the Congress had to sue the Federal Government because they refused to comply with duly authorized subpoenas. This is not a respect of the Constitution. This is a disregard.

The fourth amendment bans ''cruel and unusual punishment'' and the fourteenth guarantees ''due process under the law.'' Sadly, America is now seen as a country that will hold detainees indefinitely and torture them without bringing charges.

The Constitution prohibits ''unreasonable searches and seizures,'' yet we do know that this administration established a program to secretly wiretap on Americans who did no harm to their country, who love their country.

Today, the Congress honors the Constitution. Over the past 8 years, it seems like the Executive has forgotten even its existence. This is not hyperbole. This is documented. The redactive administration has corrupted the ideals of our forefathers. They fondled fear to cover up their addiction to secrecy and will be held accountable soon.

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

Ms. MCCOLLUM of Minnesota. I yield the gentleman an additional 1 minute.

Mr. PASCRELL. The Constitution belongs to neither political party, neither party, nor is it a document to be possessed solely by the President's attorneys. The most egregious apologists of the constitutional interpretation are those down at the other end of Pennsylvania Avenue who thought it was the throne they were defending.

The Constitution truly completed our separation from Great Britain, thank God. We are no longer their possession, nor are we the possession of the executive branch of government. We will be known by the power of our example, and not the example of our power.

I thank the gentlewoman for yielding.

Ms. FOXX. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the State of New Jersey and the author of this resolution, Mr. GARRETT.

Mr. GARRETT of New Jersey. I thank the gentlelady for her shepherding this through. She should get a gold star for all of her work on the floor today. I also thank the Chair and the ranking members for helping facilitate this bill going through committee and now coming to the floor today.

As was already indicated, today, September 17, marks a very important anniversary, the signing of our Constitution 221 years ago. Our Founding Fathers in this country came together in an attempt to form something, form a more perfect union, to establish justice and secure the blessings of liberty to ourselves and to our posterity.

I'm honored to be the sponsor of this resolution, which recognizes those 39 extremely brave men who gave all they had in signing our Nation's founding document. Too often, we forget not only the names of these men but the challenges that they faced and what they put at risk when they came together to do this.

For example, our Founding Fathers originally met in Philadelphia to rework the Articles of Confederation. That was the document, you see, which had governed the country after the time of the War of Independence, and really, no one was expecting them to draft an entirely new system of government. And yet, that's what they did, and none of them were certain at that time that this new document would be ratified at all, and I doubt they even recognized the ingenuity of their final product.

Yet today, here we are over 200 years later. I think we really take our system for granted and I hope this resolution in some small way will help remind us that the Constitution is a profound document. Our prosperity today and over the 200-some-odd years is built upon the stability of the Constitution. And our posterity to the future has to thank the liberties and freedoms that are set forth and guaranteed in this document.

We see other nations around the world have followed in our footsteps by promoting the principles found in our U.S. Constitution, and although it's already been pointed out the U.S. Constitution is a relatively short document, the Founders really get too little credit for their clear and clever direction in it. They intended to set up a Republic of essentially sovereign, self-governing States, with a very small and central but limited government, operating under clearly defined, and as they say, limited powers.

It was James Madison who wrote in the Federalist Papers at No. 45 that: ''The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite.''

Every time any Member of Congress comes to the floor and they take out their card, about to vote on a particular piece of legislation, they should do what we're doing right now, and that is to reflect upon the U.S. Constitution. And they should be asking themselves is what they're about to vote on constitutional.

The gentleman from New Jersey—I'm pleased to see him on the floor with me tonight—raised some of those very same questions. And in light of his comments, I guess we should all have raised those questions last night, as well, as we dealt with the energy package in legislation that came through this House, because, as I indicated a moment before and as, actually, the gentleman from New Jersey already indicated, we were breaking away from Britain at that time to provide the liberties and the freedoms here for the respective States in this country through the War of Independence and then established here in the Constitution. So, too, did our Founding Fathers intend those rights would, as they indicated with Federalist No. 45, remain with those States.

What we did last night was abrogated those rights, took away those rights from them, from the respective States, to a very basic source of income and power to those States, to direct what should become of their futures with regard to an important issue such as energy. Legislation that we did last night put on severe restrictions as to the 50 States, at least our coastal States, as to what they can do and what remuneration they might see if they did take particular action with the developing resources, in this case, energy resources, within their States.

And so although a lot of the discussion yesterday was on the political ramifications and some of the discussion was on the environmental ramifications, I'm not sure that there was any discussion on the constitutional implications of what was done yesterday and whether we, as Members of Congress, as we took our card and put it in there voting ''yes'' or ''no,'' were considering whether we had the constitutional authority actually to take those rights away from the people that we represent back at home in our respective States, whether we had the constitutional authority to say to those States, no, we're prescribing, no, we're placing limits on your ability to have freedom and prosperity for this generation and future generations, as well, by the limits Congress is placing on them.

As the founder and chairman of the Constitution Caucus, I urge my fellow Members here in Congress today going forward then to renew our dedication to faithfully fulfilling our responsibility to the U.S. Constitution. Likewise, I encourage all Americans to take the time today and throughout the rest of the year to reflect upon this important doctrine, to reflect upon the U.S. Constitution, to ensure that freedoms set forth in it, the rights that are set forth in it, are preserved today and for our posterity.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I very much appreciate the comments by both of our colleagues from New Jersey, and I am very grateful for the leadership that Congressman GARRETT has given to us in the Constitution Caucus.

I want to say that, as I've said before, I often speak to school groups, and when I do, I always make sure that I use the Constitution as my beginning point. And one of the things that I talk about is the fact that the article I, which enumerates the power of the Congress, is not an accident. The Framers of the Constitution, the Founders of this country, wanted the majority of the power to remain within the elected bodies, and particularly in the House of Representatives, which is

elected every 2 years, and we're known as the people's House.

I want to say that I agree with my colleague from New Jersey (Mr. GARRETT) that one of the major problems that exists in this Congress now is the fact that we seem to have ignored amendment 10 of the Constitution, which says, ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.''

I think that one of the reasons some of our colleagues believe that we've abrogated our responsibilities of oversight to the executive branch, which the Framers never expected to be very powerful, is that we have become engaged in way too many things in this Congress and we can't stick to our knitting. We don't look after the things that we should be looking after because we're doing the things that the States should be doing and that the people should be doing, and if we would adhere to the Constitution, we could do a much better job of what we came here to do or at least what many of us came here to do.

So I would say that the problem is within the Congress itself because we don't leave enough time to do the things that we should be doing and that are given to us by the Constitution, and we get involved in doing things that the States should be doing and the people themselves should be doing.

And certainly, the bill last night that was passed on this floor is an excellent example of that, and I thank my colleague for bringing it up as an excellent example.

I reserve the balance of our time.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I continue to reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I do want to talk a little bit more about this issue of the Constitution and the problem that we're having again right now with our not adhering to our responsibilities in this Congress.

Article I, again, is what gives power to the Congress. There's nowhere in the Constitution where the President has the power to do what we should be doing right now, which is opening up the supply of oil and gas for the people of this country.

We have that power. Day after day, night after night, members of the other party come to the floor and blame our sitting President for every ill in this country. Unfortunately, we simply cannot pass off our responsibilities for the things we should be doing and blame them all on the sitting President. My guess is he's going to be blamed over and over and over for probably a long period of time for those things.

But the American people are smarter than that. They know that the Congress itself has the responsibility for doing many of the things that we do not do, and again, the bill yesterday is an example of that.

We had a great opportunity to pass a bill yesterday that would have created more American energy, but my colleagues on the other side don't seem to be in favor of more American energy. They seem to be anti-American energy, just as many other things that they support seem to be anti-American power and anti-American control.

We can completely eliminate our dependence on foreign sources of oil, and we should be doing that, but we aren't doing that. I urge the American people to pay attention to who is in charge of the Congress right now and say to your Members on the other side, we want you to bring real bills, not sham bills, not illusory bills, but real bills to the floor to be voted on.

□ 1530

I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Ms. McCOLLUM of Minnesota. Mr. Speaker, I would like to ask if you heard that the gentlewoman said that the Democrats on this side of the aisle were anti-American.

The SPEAKER pro tempore. Is the gentlewoman from Minnesota stating a parliamentary inquiry?

Ms. McCOLLUM of Minnesota. Yes.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Ms. McCOLLUM of Minnesota. The last speaker just referred to the Democrats, including myself, as anti-American. Is that a custom and usage of this House to refer to one another in such a manner?

The SPEAKER pro tempore. The Chair doesn't give advisory opinions, but the Chair would ask that all Members address their remarks to the Chair and maintain proper decorum.

Ms. McCOLLUM of Minnesota. Thank you, Mr. Speaker.

With that, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thought I had been addressing my comments to the Speaker.

I want to say, again, that I thank the gentlemen from New Jersey for bringing this resolution, H. Res. 1356, to the Congress today to vote on. I urge my colleagues to vote ''yes.''

I yield back the balance of my time.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I want to thank both of the gentlemen from New Jersey for discussing the Constitution today.

Today, we, as Members of Congress, have seen the streets around the Capitol and the Halls of Congress filled with young school students, the very future of our country. They're here to learn about our Government and to better understand our Constitution. So let us, we, who have the honor to represent the people, join together in unison for support for House Resolution 1356.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 1356, Celebrating the 221st anniversary of the signing of the Constitution of the United States of America and honoring the efforts of the 42 delegates who attended the majority of the Constitutional Convention meetings and the 39 signers, introduced by my distinguished colleague Representative GARRETT. This legislation acknowledges the significance of the ideals established by the Constitution, including the principle of a limited Federal Government with a system of checks and balances, and recognizes the Constitution as the source responsible for our Nation's ability to withstand calamity and preserve stability.

QUOTE

''Don't interfere with anything in the Constitution. That must be maintained, for it is the only safeguard of our liberties.''—Abraham Lincoln.

BACKGROUND

The members of the Constitutional Convention signed the United States Constitution on September 17, 1787, in Philadelphia, Pennsylvania. The Constitutional Convention convened in response to dissatisfaction with the Articles of Confederation and the need for a strong centralized government. After 4 months of secret debate and many compromises, the proposed Constitution was submitted to the States for approval. Although the vote was close in some States, the Constitution was eventually ratified and the new Federal Government came into existence in 1789. The Constitution established the U.S. Government as it exists today.

The Constitution represents the founding of our Government as we know it today. For 221 years, the United States has fought to maintain a democracy that equally represents everyone that resides within the boundaries of our Nation. Without this sacred document, the rules that govern our Nation would be obsolete. The concrete separation that ensures the stability of our Government and thus, our Nation is due to the Constitutional Convention that we recognize today.

TEXAS

Texas became a member of this great Nation in 1845. Since that moment, Texas has been proud to be a member of such a great nation like the United States, and as a Representative for the 18th District of Texas I am proud to represent my constituents within the legislative branch of this Government. It takes the help of every branch of governments at a number of different levels to accomplish all the things our government is capable of, and today, I am proud to be a Representative of Texas and the United States. It is a privilege to represent the people of my State and my district in Washington, DC.

CONCLUSION

I believe we must pass this resolution to demonstrate how proud we are to celebrate the success of our Founding Fathers and to acknowledge those who put our system of government on paper allowing the United States to become such a renowned nation. This resolution encourages us to remember those intelligent men who put their hearts and souls into developing a system to give equality and representation to all people, and as we stand together now, after 221 years, we must recognize their important part in developing the Constitution that governs our great Nation today.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Minnesota (Ms. MCCOLLUM) that the House suspend the rules and agree to the resolution, H. Res. 1356.

The question was taken.

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

Ms. FOXX. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

ALLOWING USE OF PASSENGER FACILITY FEES FOR NOISE REDUCTION AT CALIFORNIA SCHOOLS

Ms. RICHARDSON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 996) to amend title 49, United States Code, to expand passenger facility fee eligibility for certain noise compatibility projects.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 996

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

SECTION 1. EXPANDED PASSENGER FACILITY FEE ELIGIBILITY FOR NOISE COMPATIBILITY PROJECTS.

Section 40117(b) of title 49, United States Code, is amended by adding at the end the following:

''(7) NOISE MITIGATION FOR CERTAIN SCHOOLS.—

''(A) IN GENERAL.—In addition to the uses specified in paragraphs (1), (4), and (6), the Secretary may authorize a passenger facility fee imposed under paragraph (1) or (4) at a large hub airport that is the subject of an amended judgment and final order in condemnation filed on January 7, 1980, by the Superior Court of the State of California for the county of Los Angeles, to be used for a project to carry out noise mitigation for a building, or for the replacement of a relocatable building with a permanent building, in the noise impacted area surrounding the airport at which such building is used primarily for educational purposes, notwithstanding the air easement granted or any terms to the contrary in such judgment and final order, if—

''(i) the Secretary determines that the building is adversely affected by airport noise;

''(ii) the building is owned or chartered by the school district that was the plaintiff in case number 986,442 or 986,446, which was resolved by such judgment and final order;

''(iii) the project is for a school identified in 1 of the settlement agreements effective February 16, 2005, between the airport and each of the school districts;

''(iv) in the case of a project to replace a relocatable building with a permanent building, the eligible project costs are limited to the actual structural construction costs necessary to mitigate aircraft noise in instructional classrooms to an interior noise level meeting current standards of the Federal Aviation Administration; and

''(v) the project otherwise meets the requirements of this section for authorization of a passenger facility fee.

''(B) ELIGIBLE PROJECT COSTS.—In subparagraph (A)(iv), the term 'eligible project costs' means the difference between the cost of standard school construction and the cost of construction necessary to mitigate classroom noise to the standards of the Federal Aviation Administration.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. RICHARDSON) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. RICHARDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 996.

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

There was no objection.

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

Mr. Speaker, today we are considering S. 996, legislation to amend title 49 of the United States Code to expand passenger facility fee eligibility for certain noise compatibility projects.

Under the direction of Congressman COSTELLO, chairman of the Aviation Subcommittee, Americans in California living and attending schools in the vicinity of airports will now get relief.

The FAA predicts that 1 billion passengers will fly in the United States by 2016. One of the elements that will limit this national airspace capacity growth is noise. S. 996 will allow a 2005 agreement between the Los Angeles World Airports and the Lennox and Inglewood school districts to go forward providing over $200 million towards noise mitigation in these school districts over 10 years.

This legislation was introduced by Representative JANE HARMAN in the House and Senators DIANNE FEINSTEIN and BARBARA BOXER who passed it in the Senate by unanimous consent on February 28, 2008, which represents an appropriate compromise to noise problems for schools surrounding the Los Angeles Airport.

S. 996 will enable new construction in some instances because sound insulation and other retrofitting of existing buildings do not always provide meaningful noise relief. Furthermore, this legislation defines eligible project cost for any new construction as limited to the difference in cost between constructing, ordinary building code standards for schools, and the cost of incorporating noise mitigation features in construction.

The House passed this language as part of H.R. 2881, the FAA Reauthorization Act of 2007, on September 20, 2007. The Senate has not acted on the FAA reauthorization.

Mr. Speaker, I support S. 996, and I urge my colleagues both on and off the Aviation Subcommittee—and on both sides of the aisle to stay germane to the topic—to support this good legislation. Students and teachers deserve quiet classrooms in order to maximize learning.

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

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

Mr. Speaker, I rise in support of S. 996. This bill is going to help alleviate the impact of airport noise in Los Angeles, California, by permitting passenger facility charges collected by the Los Angeles International Airport to be used for noise mitigation during the construction of a new school.

Furthermore, this bill defines the projects that are eligible to ensure that money intended for noise mitigation is used for exactly that and nothing else. This bill is yet another provision to be pulled from H.R. 2881, the Federal Aviation Administration Reauthorization Act of 2007, and moved as a standalone bill.

Unfortunately, our counterparts in the Senate have not been able to reach an agreement among themselves and pass a comprehensive 4-year bill, and time is running out to get just such a bill done this year.

Mr. Speaker, I would urge the Senate to settle their differences and allow the Congress to send much-needed relief to an agency in turmoil as well as the flying public.

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

Ms. RICHARDSON. Mr. Speaker, I yield as much time as she might consume to Congresswoman JANE HARMAN, the gentlelady from the great State of California.

Ms. HARMAN. I thank the gentlewoman for yielding to me. She is one of the newest Members of Congress, but she is a very active Member of the Transportation and Infrastructure Committee, succeeding our late colleague, Juanita Millender-McDonald, in that position. I want to commend her for her interest in this issue and for all she does for the Ports of L.A. and Long Beach and for Los Angeles International Airport, LAX, which is near her district, surrounded by my district and represented by Ms. WATERS who is a coauthor of this legislation.

I rise in strong support of this bill, one that I introduced in the past two Congresses and which, as you heard, has already passed the Senate.

Imagine, Mr. Speaker, sitting at a desk trying to memorize a verse or tackle a math problem as jet planes roar overhead every 3 minutes. Let me repeat that. I have been there to see it. Every 3 minutes, a jet plane roars above the little school buildings in Lennox, California, immediately east of LAX.

The children of Lennox, a mostly working-class community, manage amazingly well. I'm enormously proud of the fact that they win educational awards despite studying in classrooms that resemble bunkers. And yet Mr. Speaker, for the past 3 years, despite the fact that they reached agreement with LAWA, the Los Angeles World Airport Authority, to receive noise mitigation funds, they've been unable to get those funds because of a technical glitch in the law.

That means, Mr. Speaker, that school construction has been stalled in Lennox and in adjacent Inglewood. So we have tried these 3 years to fix that glitch, and that is exactly what this bill will do.

I want to point out—I don't think the bill's manager said this—that this bill does not require the expenditure of new funds. All it does is authorize LAWA to release funds it already has. All it does is provide emergency relief to a lot of kids in a working-class part of Los Angeles who have endured the most onerous conditions while trying to learn.

I want to thank a lot of people for making possible what I hope will be a victory today: First of all, the leadership of the T&I Committee, Chairman OBERSTAR and Ranking Member MICA; Ms. RICHARDSON; my co-author Ms. WATERS; and Senators BOXER and FEINSTEIN, all of whom helped get this bipartisan bill on the consent calendar today.

I also want to thank former FAA Administrator Marion Blakley who, while a part of this administration, came to see Lennox, understood what the problems were, and lent her staff to us to help draft this in a way that it would get support from the administration. It has the support of the FAA, it has the support of OMB, it has the support of the Republican side of the aisle; and it's a model, in my view, of the way legislation should be developed and passed in this House.

Finally, I want to thank Congressman DAVID DREIER who made sure that we could get the bill to the floor today. He is not here because just a few days ago his mother unexpectedly passed away. I want to send my sympathy to him and his family at a tough time and note that this bill helps kids just like kids in his Southern California district. This bill does good things for education, and this bill does good things for the reputation of this House.

I ask for an ''aye'' vote.

Mr. GRAVES. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentleman from Missouri has 19 minutes remaining.

Mr. GRAVES. I was going to pretty much just talk about the specific merits of S. 996, but since my colleague pointed out that we should stay on topic, I think I would just expand just a little bit because this is an aviation bill, this is talking about—and it was mentioned—the number of planes flying in and out of Los Angeles International Airport and just how important that part of the transportation system is to this country and how much we are going to lose in this country if pieces of legislation like the un-American energy bill that was passed last night are enacted into law.

It's unfortunate because so many things in this country travel. Every single product, every single person in this country travels one way or another, either by train or by plane or by ship or by barge or by pipeline or by truck. Everything in this country travels, and we are a country that is very, very dependent on foreign sources of oil, unfortunately, for those products that we need for gasoline, for diesel fuel.

We would like to see, and I would like to see, that dependence reduced. That dependence needs to be reduced, and we have the resources right here in the United States. Unfortunately, the bill that was passed last night locked away the biggest chunk of those resources permanently. That bill permanently put away any opportunity to go after those resources off the Outer Continental Shelf between zero and 50 miles where the biggest chunk of those resources are and where it would be the easiest to go after those resources.

It's unfortunate because there are no alternatives in certain areas of transportation, for instance, aviation, which we're talking about today. There are no alternatives but aviation fuel. It comes from petroleum. No alternatives are out there.

It will be nice one of these days in this country when we do have alternatives to address some of our issues when it comes to being a country so dependent on petroleum, on gasoline, and diesel fuel.

□ 1545

We already have a few great hybrids in this country, whether it's electricity or ethanol or biofuels. We have some great alternatives. But if you're talking about real power to pull a train or to drive a ship or to push a barge or to pull farm machinery or to pull a truck or to fly an airplane, we have to have fuel. And it's unfortunate that we continue to see pieces of legislation brought forth in this Chamber that do absolutely nothing to address our real need in this country. And we're talking about all of those things that are important to us for energy—nuclear power, clean-burning coal technology, coal to gas, more drilling in places like ANWR and the Outer Continental Shelf, and all of those areas throughout the United States that have oil.

And we can do it in such an environmentally friendly way. And that's one of the most frustrating parts of this entire argument. We can do it in such an environmentally friendly way because of the technologies today that allow us to do so many different things underground when it comes to those wells and comes to those rigs. We don't have to hurt our environment to be dependent on the United States and to Americanize United States resources. We don't have to harm our environment in any way. We can work with our environment. And we continue to use those resources that are un-American.

So it's unfortunate, again, that we passed such an un-American bill in this Chamber last night. Many of us did not support that bill simply because it makes us more dependent on those foreign sources of oil and it locks away the biggest percentage of that oil that we have and those resources that we have right here in the United States. It didn't even address the refining issue that we have in the United States and the capacity problems that we have in the United States. And that's as much a part of this as anything else.

So all of these modes of transportation, we're going to be doing a few things here for a little while, talking about different areas of transportation. It's unfortunate because all of those modes of transportation carry those goods and those people from one place to another. And when the price of that energy goes up, it costs consumers money. It costs everyone out there more money when it comes to purchasing those products or just transporting themselves from one place to another.

So again, a very un-American energy bill was passed out of this Chamber last night. And we hope that we will be able to have an American energy bill, one that is dependent on American sources, sometime soon before this Congress breaks in October. This Congress continues to break time and time again without addressing this issue, without coming up with a bill that will solve those problems and will go to the President's desk. And it's unfortunate, Mr. Speaker.

I reserve the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I would gladly like to get back to the topic at hand, which is really discussing the bill of S. 996. So, Mr. Speaker, I yield as much time as the great lady might consume, Congresswoman MAXINE WATERS from the great State of California.

Ms. WATERS. Mr. Speaker and Members, I would like first to thank Congresswoman LAURA RICHARDSON for allotting me time to speak on this bill that I have coauthored with Congresswoman JANE HARMAN. I thank her for her interest.

I had an opportunity to talk with Congresswoman LAURA RICHARDSON on our way to the floor, where she told me about similar problems that she has encountered in the Long Beach area dealing with the Long Beach Airport. So I know of her concern, and I thank her for the interest that she is showing in this bill.

Of course I rise in strong support of S. 996, the Senate companion bill to H.R. 1708, a bill, again, that was introduced by Congresswoman JANE HARMAN and myself. This bill permits funding for noise mitigation in local schools in the cities of Inglewood and Lennox.

The city of Inglewood is located in my district. Mr. Speaker and Members, this is a proud little city of 17,750 students. We have 13 elementary schools, six secondary schools, one preschool, and one community adult school in the Inglewood Unified School District. These schools are very, very important to this community.

In 2005, the City of Los Angeles settled a lawsuit with the Inglewood and Lennox School Districts. Under the settlement, the Los Angeles World Airports, known as LAWA, agreed to provide the two cities funding for noise mitigation in local schools; however, Federal Aviation Administration rules have prevented the funds from being paid. S. 996 will allow the 2005 agreement to go forward.

Specifically, S. 996 allows Los Angeles World Airports to use airport passenger facility fees for noise mitigation projects at Lennox and Inglewood schools. The bill permits funding of $111 million for the Lennox District and $118.5 million for the Inglewood School District over 10 years.

As you know, Los Angeles International Airport is in my district. And I represent not only Inglewood, but several other communities in this district and this very important economic engine, the Los Angeles International Airport. And there are many issues that we are confronted with.

I belong to a strong coalition in the district working to make sure that we, of course, maintain and support this economic engine, but at the same time, make sure that we attend to the needs of the people and deal with the noise and disruption that is caused by the Los Angeles International Airport.

It is sometimes a challenge, and we cannot always take the side of our international airport. We have to be concerned about the quality of life for all of the people in that area, and particularly our school children. Airplanes arriving at and departing from Los Angeles International Airport cause excessive noise in my district. Deafening noise and rattling windows frequently interfere with the education of school children. Noise causes disruptions in lessons, making it very difficult for students to learn and diminishing the opportunity to study in a stable and calm environment. Noise mitigation funding is essential to allow the school districts to construct permanent sound-proof facilities and help sound-proof existing schools.

This bill was drafted with the assistance of the Federal Aviation Administration and has the support of the Inglewood and Lennox School Districts, the Los Angeles World Airports (LAWA), and the mayor of the City of Los Angeles.

Again, I would like to thank Congresswoman HARMAN for initiating this much-needed solution to the problems of noise and disruption that interferes with our children's ability to learn in a noise-free school environment.

Mr. GRAVES. Mr. Speaker, I urge my colleagues to support S. 996. I do think it's a good bill. I think it makes sense, obviously. And in light of time, I will urge support.

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

Ms. RICHARDSON. Mr. Speaker, I join my colleague on the other side of the aisle in great support of this bill, S. 996.

As has been stated by the original author, Ms. HARMAN, and the coauthor, Ms. WATERS, this is about children having the ability to hear in the classroom and to learn, which I think is what all Americans are looking for.

We urge all of our colleagues to support S. 996.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 996, which authorizes the Secretary of Transportation to permit passenger facility fees to be used for school sound mitigation in certain school districts in flight paths to the Los Angeles International Airport.

This bill was included as section 113 of H.R. 2881, the "FAA Reauthorization Act of 2007," which passed the House on September 20, 2007. Regrettably, the other body has been unable to complete action on the Federal Aviation Administration ("FAA") reauthorization bill. Given the Senate inaction on the reauthorization bill, the gentlewoman from California (Ms. HARMAN) has asked the Committee on Transportation and Infrastructure to consider S. 996 to allow this time-sensitive legislation to be enacted in advance of the reauthorization bill.

S. 996 will allow the Los Angeles World Airports and the Lennox and Inglewood school districts in southern California to execute a 2005 agreement between the airport and the school districts to allow more than $200 million of passenger facility fees to be used for noise mitigation in schools in the affected school districts. In some schools, sound insulation and retrofitting of existing buildings may not provide meaningful noise relief, so a new building must be constructed. Pursuant to this legislation, eligible project costs for any new construction are limited to the difference in cost between constructing to ordinary building code standards for schools and the cost of incorporating noise mitigation features in the construction.

Mitigating noise is an important element to expanding capacity in our national air space. This legislation does just that by helping to create an environment where students can learn free from the distraction of jet noise.

I urge my colleagues to join me in supporting S. 996.

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

The SPEAKER pro tempore (Mr. BLUMENAUER). The question is on the motion offered by the gentlewoman from California (Ms. RICHARDSON) that the House suspend the rules and pass the Senate bill, S. 996.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING NORTH PLATTE, NEBRASKA, AS "RAIL TOWN USA"

Ms. CORRINE BROWN of Florida. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 408) recognizing North Platte, Nebraska, as "Rail Town USA".

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 408

Whereas the community of North Platte, Nebraska, in western Nebraska is located at the convergence of the North and South Platte Rivers and possesses a rich and vibrant history;

Whereas the railroad has played a significant role in the history of the community;

Whereas, on January 2, 1867, main line operations officially commenced in North Platte, Nebraska;

Whereas trains were vital during our country's war efforts, transporting troops, equipment, and supplies across the country;

Whereas during World War II hundreds of citizens from North Platte, Nebraska, assembled at the local depot to greet troops passing through town by train and provide soldiers with food, coffee, and gifts;

Whereas for 54 months between 1941 and 1946, millions of troops found a small bit of comfort when their trains stopped in North Platte, Nebraska;

Whereas at the war's peak 3,000 to 5,000 personnel were greeted daily, with North Platte, Nebraska, sometimes hosting up to 20 trains a day;

Whereas Bailey Yard in North Platte, Nebraska, is the largest railroad classification yard in the world;

Whereas Bailey Yard covers 2,850 acres, reaching a total length of 8 miles, and contains 315 miles of track;

Whereas every 24 hours, Bailey Yard handles 10,000 railroad cars; and

Whereas Mid-Plains Community College in North Platte, Nebraska, offers railroad-specific courses in order to enhance student preparation for possible employment in the railroad discipline: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes North Platte, Nebraska, as "Rail Town USA".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. CORRINE BROWN) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. CORRINE BROWN of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include additional materials on House Concurrent Resolution 408.

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

There was no objection.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, we are seeing a rebirth of the passenger and freight rail industry in this country, and it couldn't come soon enough. This week, Congress

is working on legislation that will help provide solutions to the energy crisis this Nation is facing. One sure way to do this is to increase the use of passenger and freight rail.

The only current mode of transportation that is greener than rail is your sneakers. Freight rail has made major gains in fuel efficiency through training and improved locomotive technology. A single intermodal train can take up to 280 trucks off of the highways. Today, one gallon of diesel fuel can move a ton of freight an average of 414 miles, a 76 percent improvement since 1980.

Passenger rail ability to reduce congestion is well known, with ridership numbers increasing steadily each year. One full passenger train can take up to 250–350 cars off of the road.

Passenger rail also consumes less energy than both automobiles and commercial airlines. Every industrialized country in the world is already using high-speed rail to effectively move citizens in an environmentally friendly way. Sadly, the United States used to be the leader in rail; now we're the caboose, and they don't even use cabooses anymore. Fortunately, we will be changing that with the upcoming passage of the Amtrak Reauthorization bill.

Today, we celebrate the contributions of our Nation's rail once again by recognizing North Platte, Nebraska, as ''Rail Town, USA.''

North Platte has a long and storied history as a railroad town. During World War II, North Platte hosted up to 20 trains full of soldiers each day, and today is home to the Bailey Yard, which is considered the largest rail classification yard in the world, handling 10,000 railroad cars each day.

From 1941–1946, more than six million service men and women were greeted by North Platte volunteers who provided food, needed supplies and hospitality to the World War II veterans and provided care baskets to wounded soldiers returning home.

I want to commend Congressman SMITH for this legislation and thank the town of North Platte, Nebraska, for the contributions to our brave soldiers during World War II.

I urge Members to support this resolution.

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

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

Mr. Speaker, I support this resolution recognizing North Platte, Nebraska, as ''Rail Town USA.''

North Platte is home to Bailey Yard, recognized by the Guinness Book of World Records as the world's largest railroad classification yard.

At Bailey Yard, as was pointed out by the gentlelady, an astounding 10,000 rail cars a day are sorted and put together in trains that move freight all across this country. These trains are loaded with commodities that keep our economy going, ranging everywhere from groceries to building supplies, from coal to new automobiles. The yard is home to over 2,600 hardworking railroad employees. And Bailey Yard covers 2,850,000 acres containing 315 miles of track.

The Union Pacific Railroad, Madam Speaker, has invested heavily in Bailey Yard, over $100 million in the modern area. This kind of investment in rail infrastructure is exactly what this country needs to keep our economy strong.

Railroads are a very important component of our Nation's transportation infrastructure and we should continue to support the rail industry.

In that spirit, I urge passage of H. Con. Res. 408, honoring North Platte's contribution to our country's economic vitality.

Madam Speaker, I reserve the balance of my time.

□ 1600

Ms. CORRINE BROWN of Florida. Madam Speaker, I reserve the balance of my time.

Mr. GRAVES. Madam Speaker, I would like to recognize Mr. ADRIAN SMITH who is the original cosponsor, the primary sponsor of this legislation. I yield him as much time as he may consume.

Mr. SMITH of Nebraska. Thank you, I appreciate that.

First I would like to thank Chairman OBERSTAR, Chairwoman BROWN, Ranking Member MICA and Ranking Member SHUSTER for their support of this resolution. As you've heard, this resolution would recognize North Platte, Nebraska, as Rail Town USA. North Platte is a thriving community of over 25,000 people possessing a rich history dating back to before it was organized as a city in 1874.

Today North Platte is home to Bailey Yard, owned and operated by the Union Pacific Railroad. Bailey Yard is the largest rail classification yard in the world. Every 24 hours, Bailey Yard handles 10,000 railroad cars and an average of 135 trains bound for cities as distant as the east, west, and gulf coasts of America, as well as the Canadian and Mexican borders.

In addition to the current importance of the railroad to North Platte, the community and railroad also share a storied past of goodwill during World War II. For 54 months between 1941 and 1946, millions of troops found a small bit of comfort when their trains stopped in North Platte. One December day, word spread that Company D of Nebraska's National Guard was going to travel through North Platte later that morning. As it does in close-knit communities, word traveled rapidly. Though the train was scheduled to arrive mid-morning, no train had arrived by 4:30 p.m. Shortly thereafter, the nearly 500 people who had gathered to show support for their fellow Nebraskans were instead surprised to find the train loaded with troops from Kansas. Though not their expected native sons and daughters, the Nebraskans gathered would not let these brave young men travel on without knowing they were supported and honored. They were offered food, coffee and gifts, just as if they were Nebraska's own.

Rae Wilson, in fact, a sister to one of the troops from Nebraska, took it upon herself to write a letter to the local paper suggesting that citizens gather for all trains of troops passing through North Platte. On December 22, 1941, a canteen committee was organized, and Rae was chosen as chairwoman. Just 3 days later, the canteen officially opened its doors from 5 a.m. to midnight, all volunteers. During its busiest period, the canteen would be open 24 hours a day, again, all volunteers honoring the troops.

Before Union Pacific switched to diesel-electric power, North Platte was a designated servicing point. While the trains were being serviced, soldiers visited the canteen. At the war's peak, 3,000 to 5,000 personnel were greeted daily with North Platte sometimes hosting up to 20 trains a day. In fact, these volunteers from 125 communities in and around the State contributed with donations of time, money, supplies, food and smiles. More than 6 million service men and women who traveled through Nebraska during World War II were greeted by the North Platte Canteen. A total of $137,000, and more than that in cash, was contributed to the canteen over its operation.

Today the effort of the North Platte Canteen during World War II is still a source of pride within the community and throughout Nebraska. And the town's relationship with the railroad continues to be recognized as an important part of North Platte's history.

I would like to elaborate, Madam Speaker, that today, as we look at the canteen issues and the railroad in general, we know that North Platte, the railroad and the Bailey Yard contributed significantly to our energy supply, with coal trains coming through from the coal fields of Wyoming. They come through Nebraska and many other places, but this rail yard specifically, and there are thousands of workers, specifically many workers associated with the United Transportation Union, who are employed with good jobs contributing to the energy supply of our Nation.

I only hope that we can come up with a policy that is more friendly to clean coal. And this can help all of us. This provides jobs for those in middle America. But more than that, it provides a stimulus package, if you will, that is through more affordable energy.

Ms. CORRINE BROWN of Florida. Once again I want to add that for better than 4 years, day in and day out, over 50,000 people contributed food, money and efforts to one of the proudest moments in our history during World War II. Day in and day out, from early in the morning until the last train would leave at night, between 2,000 and 5,000 soldiers and sailors

would be fed nearly 200 loaves of bread, 100 pounds of meat, 50 pounds of coffee and over 100 quarts of milk. More than 300 organizations made sandwiches, boiled eggs, fried chicken and baked cakes and pies. The war wounded were provided with razors, canes, toothbrushes and care baskets to make their return home a welcome one. One of the most famous residents of North Platte was Colonel William F. Cody, best known as Buffalo Bill. Buffalo Bill made North Platte his home for more than 30 years.

Today North Platte is the home of Bailey Yard and operated by Union Pacific Railroad. It is considered the largest rail classification yard in the world. Every 24 hours, Bailey Yard handles over 10,000 railroad cars. Bailey Yard handles daily an average of 135 trains bound for cities as far distant as the east, west and gulf coasts of America, as well as the Canadian and Mexican borders.

I really want to be one of the ones to offer congratulations and our thanks as a grateful people to North Platte.

I reserve the balance of my time.

Mr. GRAVES. Madam Speaker, I would yield such time as he may consume to the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. The joys of a segue.

It's right in this time to concede that despite Republicans over the course of August talking about the Democratic majority taking a 5-week paid vacation, that we do recognize when this institution has acted with due alacrity. Today we have before us the opportunity to name North Platte, Nebraska, Rail Town USA. We could not have done so at a better time, because jumping into the competition for the coveted title of Rail Town USA is Washington, D.C.

This week we have seen a bill drafted in the dead of night, sent to this floor and rubber-stamped by the Democratic majority and proclaimed to solve America's energy crisis. This is as unfortunate as it is injurious. America has an energy crisis. It also has representative institutions who seek to deal with this problem, so the processes put forward, so that the voices of our constituents could be heard, so that true compromise could be found.

And yet in Rail Town Washington, what have we seen as a result? A sham energy bill sent to a Democratic Senate by a Democratic House, and a pronunciation from a Democratic Senator herself was that the bill was dead on arrival. What we do today is important to recognize Rail Town USA. But as the gentlelady pointed out, what Americans can do and the challenges they can transcend acting together is what truly makes North Platte, Nebraska, Rail Town USA, because it shows what, in a time of crisis, people coming together for the common good, sincerely and earnestly, putting forth the effort can accomplish. We could well learn and emulate their efforts. And yet we do not.

In this time where Americans are suffering, they should expect no less from their servants in Congress than to do this. Because to do anything else is to diminish not only ourselves as your servants, if that were possible in this Democratic Congress, but it diminishes the institution itself as a beacon of representative democracy for all the world.

Critically, I think we can change this. I think there is still time that we could learn from the people of North Platte, Nebraska, and their worthy history, that we still have time to come together. And if we do not come together before this Congress adjourns, a relatively short period of time, I suggest we make a commitment to each other, like the people of North Platte, Nebraska. Let us tell the American people that until this energy crisis of our time is solved, until their servants in the United States Congress come together on a truly bipartisan bill that can be signed into law and relieve your pain at the pump and guarantee American energy and security, we will stay here. We will serve the full time that you elected us to work in this Chamber on your behalf. Because to leave here and go play politics while the American people suffer is not worthy of this institution, and it is certainly not worthy of the example set forward by the people of North Platte, Nebraska, Rail Town USA.

Ms. CORRINE BROWN of Florida. Madam Speaker, how much time remains on both sides, please?

The SPEAKER pro tempore (Ms. BALDWIN). The gentlewoman from Florida controls 15 remaining minutes, and the gentleman from Missouri controls 10½ remaining minutes.

Ms. CORRINE BROWN of Florida. Madam Speaker, I don't want the people at home to get confused. Today we are honoring the people of North Platte, USA, for their major contribution as far as rail is concerned. But I think that there is no stronger bill more that we can do in this Congress than to pass the Amtrak bill. I want to be clear. I mention that Congress is working on legislation that would provide solutions to the energy crisis. And the solution, in my opinion, is not just drilling. That is one of the comprehensive proposals.

But the major solution to our problem in this country as far as energy is concerned is not just to provide drilling off the Florida coast. It is also to provide rail service. We, in this country, as I say over and over and over again, are the caboose. The caboose. And we don't use cabooses in trains anymore. I went from downtown Paris to downtown Brussels, over 200 miles, 1 hour and 15 minutes, downtown Barcelona to downtown Madrid, 300 miles, in 2½ hours. That is the future of our country. We have to move people, goods and services, if we are going to be competitive with the rest of the world. Our competition is moving. We need to move America and to understand the solution to the problem is not by drilling and drilling alone.

I reserve the balance of my time.

Mr. GRAVES. Madam Speaker, before I close, I want to thank the gentlelady from Florida for pointing out that passing Amtrak or Amtrak rail service is very important. It is extremely important to be able to move people around in a much more efficient way. And I might remind the gentlelady that Amtrak depends on one thing, and that is diesel fuel. And you can't have diesel fuel if you don't have drilling. As long as we are dependent on nations such as Saudi Arabia and such as Venezuela, we're going to be continually at their mercy when it comes to getting those resources. But we have to have drilling to have diesel fuels to have trains on the track. It is all interconnected, and it's all very important.

The gentlelady is exactly right. Rail service in this country can do a whole lot toward taking vehicles off the road. And bringing our rail service back in this country I think is a very worthy goal for the United States. Moving as much goods and people by rail, I think, just makes it more efficient.

I mentioned before that every single thing in this country moves. It's either by train or by plane or by ship or by barge or by pipeline or by truck or by car. But every single thing in this country moves. And every person in this country moves. And when we get more efficient and put them on a train, we need diesel fuel. And the only way we are going to get diesel fuel is to have more oil production in the United States and be able to refine it.

I appreciate what the gentlelady has done today, particularly with North Platte. North Platte is one big rail facility, a big rail facility out in Nebraska. Obviously ADRIAN is doing a fantastic job for his area. I want to thank the gentlelady. She has a lot of heart, and she is one of my favorite people in Congress.

I yield back the balance of my time.

□ 1615

Ms. CORRINE BROWN of Florida. In closing, once again let's thank the people of North Platte for what they have done during World War II. Also, as we move forward in discussing energy, we need comprehensive energy. One thing that was missing was coal. We have enough coal in this country for 600 years. I know that burning coal sometimes pollutes the air, but any country that can go to the moon, we can come up with a way to burn coal and not be dependent.

So we need a comprehensive approach to energy. The answer is not just drilling. We need comprehensive approaches to dealing with our moving people, goods and services so we can be competitive with our competition.

Mr. OBERSTAR. Madam Speaker, I rise in support of H. Con. Res. 408, recognizing North Platte, Nebraska, as "Rail Town USA."

North Platte has a rich tradition of railroading. The Union Pacific Railroad flrst entered North Platte on December 3, 1866, as

railroads were building into the West and just one month later, on January 2, 1867, main line operations began through the city of North Platte.

During World War II, the city was best known for the North Platte Canteen, which served as a major rest point for soldiers heading across the country by rail to fight in the war. The people of North Platte famously brought food, water, and other necessities to more than 6 million members of the armed forces passing through the city.

Today, North Platte is served only by freight trains, but it is home to one of the most important rail yards in the world. The Bailey Yard, named after former Union Pacific President Ed Bailey, is now recognized by the Guinness Book of Records as the world's largest classification yard. It sits on 2,850 acres of land in North Platte, is 8 miles long, and is home to 315 miles of track.

Bailey Yard prepares approximately 135 trains, or 10,000 individual rail cars, each day, shipping home products, food, coal, lumber, and many other necessary goods destined for every corner of the country.

North Platte's contribution to the rail industry increased in the 1990s when Bailey Yard added east- and west-bound locomotive fueling and servicing centers that now handle more than 8,500 locomotives per month.

Railroads are often considered a barometer of the American economy. When trains are moving—America is moving. To watch cars pass through Bailey Yard is to see America moving forward, and the people of North Platte are at the center of Bailey Yard's success: more than 2,600 residents of North Platte work at Bailey Yard, which makes up more than 10 percent of North Platte's population of 23,878.

This weekend, North Platte is celebrating its railroading heritage at Rail Fest, where attendees will get the chance to see historic rail cars and locomotives, tour Bailey Yard, learn about each job in the rail yard through actual hands-on training, learn about railroad safety, and learn more about the history of railroading in North Platte.

Madam Speaker, I congratulate Notth Platte for their successes and urge my colleagues to join me in agreeing to H. Con. Res. 480, recognizing North Platte, Nebraska, as "Rail Town USA".

Ms. CORRINE BROWN of Florida. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CORRINE BROWN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 408.

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. GRAVES. 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 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

JOHN F. KENNEDY CENTER REAUTHORIZATION ACT OF 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3986) to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

In the Senate of the United States, June 26, 2008.

Resolved, That the bill from the House of Representatives (H.R. 3986) entitled ''An Act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''John F. Kennedy Center Reauthorization Act of 2008''.

SEC. 2. TECHNICAL AMENDMENT.

Section 2(a)(2)(J)(ii) of the John F. Kennedy Center Act (20 U.S.C. 76h(a)(2)(J)(ii)) is amended by striking ''Public Works and Transportation'' and inserting ''Transportation and Infrastructure''.

SEC. 3. PHOTOVOLTAIC SYSTEM.

The John F. Kennedy Center Act is amended by inserting after section 6 (20 U.S.C. 76l) the following:

''SEC. 7. PHOTOVOLTAIC SYSTEM.

''(a) IN GENERAL.—The Board may study, plan, design, engineer, and construct a photovoltaic system for the main roof of the John F. Kennedy Center for the Performing Arts.

''(b) REPORT.—Not later than 60 days before beginning construction of the photovoltaic system pursuant to subsection (a), the Board shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the feasibility and design of the project.''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 4(a)(1)(H)—

''(1) $20,200,000 for fiscal year 2008;

''(2) $21,800,000 for fiscal year 2009;

''(3) $22,500,000 for fiscal year 2010;

''(4) $23,500,000 for fiscal year 2011; and

''(5) $24,500,000 for fiscal year 2012.

''(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1)—

''(1) $23,150,000 for fiscal year 2008;

''(2) $16,000,000 for fiscal year 2009;

''(3) $17,000,000 for fiscal year 2010;

''(4) $17,000,000 for fiscal year 2011; and

''(5) $18,500,000 for fiscal year 2012.'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) PHOTOVOLTAIC SYSTEM.—There are authorized to be appropriated to the Board such sums as are necessary to carry out section 7, to remain available until expended.''.

SEC. 5. EXISTING AUTHORITIES.

Nothing in this Act limits or otherwise affects the authority or responsibility of the National Capital Planning Commission or the Commission of Fine Arts.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3986.

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

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of the Senate amendment to H.R. 3986. The bill will authorize the John F. Kennedy Center for the Performing Arts for 5 years, from fiscal year 2008 through fiscal year 2012. The House passed this bill on December 7, 2007, and the Senate amended the bill to extend the authorization period from 3 years to 5 years. I support the amendment.

The building's 1.5 million square feet on 17 acres have been upgraded, refigured and transformed to more easily and graciously accommodate the center's 2 million annual visitors and patrons. The center is to be commended for giving a commitment not only to the center's programmatic side, but also the more mundane bricks and mortar side that makes up the presidential memorial. The fact is that, first and foremost, this building is a memorial to President John F. Kennedy.

I am pleased to support the amended bill, and urge the passage of H.R. 3986 with the Senate amendment.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, H.R. 3986, the John F. Kennedy Center Reauthorization Act, will authorize much-needed funds for the continued operation of the John F. Kennedy Center, which was established to celebrate the arts and honor of the memory of President John F. Kennedy.

H.R. 3986, as amended by the Senate, authorizes the Kennedy Center for a 5-year period consistent with the center's facilities management plan. The 5-year authorization will allow the Kennedy Center to manage the center in a responsible manner.

The House passed the version of this legislation in December of last year that included a 3-year authorization for the Kennedy Center. The Senate amendment provides a 5-year authorization to allow for a longer-term plan

for the management of that center. With this longer authorization, the Kennedy Center can upgrade and maintain the facility, using a renovation schedule that is both realistic and responsible.

While the center has had financial management problems in the past, the management of projects shows great success in facilities management policy. The master plan for the facility provides an aggressive plan for care and repair of the facilities. I believe that the long-term master plan presented by the board of directors lays out a responsible vision for the center.

Many of the projects in the center's budget will repair and renovate capital assets and keep the center in good condition. Planned upgrades will make the facility safer and more welcoming to those who visit. Other projects will help maintain the Kennedy Center's unique structure.

The legislation also authorizes the Kennedy Center Board of Directors to study the usefulness of a solar panel system for the main roof of the memorial. Before the center can begin construction of a system, the board would be required to report to Congress information about the system.

I am very encouraged by the steps that the board of directors has taken to make the Kennedy Center more fiscally responsible. This authorization will give the center the resources necessary to carry out a well thought-out plan for the arts center that honors and remembers President Kennedy.

I support the legislation, and encourage my colleagues to do the same.

I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I reserve my time.

Mr. GRAVES. Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MICA), the ranking member of the overall Committee on Transportation and Infrastructure, which has oversight over the Kennedy Center.

Mr. MICA. Madam Speaker, first of all, I want to thank the gentleman for yielding me time, and also recognize the efforts of our Subcommittee on Public Buildings of the Transportation and Infrastructure Committee. Also we have Ms. JOHNSON here and Mr. GRAVES for this reauthorization bill on the Kennedy Center.

I just wanted to add my congratulations for the incredible work that this national cultural center does provide, not only to the District of Columbia and the northeast United States, but the entire country.

Mr. OBERSTAR, our chairman, and myself as ranking member, get to serve as honorary trustees on the Kennedy Center Board, and I had the honor and privilege of attending the reopening of the Eisenhower Theater.

Now, folks don't realize that the Kennedy Center was opened in 1971, and, of course, some of the facility does need rehabilitation. The Eisenhower Theater, one of the most prominent theaters, named after President Eisenhower, was closed for several years and underwent a complete renovation, and now is open.

But I had the opportunity to attend the little ceremony and dinner commemorating the reopening, and the Rogers family and others who have helped lead that effort are also to be commended in this commentary this afternoon.

Most folks don't know this now, and I really wasn't aware of it until this dinner, but the Kennedy Center was actually the idea and one of the primary projects of Dwight David Eisenhower. President Eisenhower actually was the author of creating a national cultural center, and it was during his administration and it was a bipartisan effort in 1958 that they authorized a national cultural center to be located in our Nation's Capital here, and it did open in 1971.

Now, it was interesting also to see the plans and vision that President Eisenhower had for a national cultural center back then. Of course, it was named for our slain and lost most distinguished President, John F. Kennedy, but the Eisenhower Theater within that complex still bears the visionary's name for this center.

So as you undertake this act today, and I commend again the committee members and staff who have worked on this and all those who do make the Kennedy Center one of the richest national cultural centers and facilities, not only in the United States, but the world, I just wanted to add that commentary for the record.

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

As was pointed out, they are embarking down at the Kennedy Center on a renovation plan, and one of the things they are looking at and one of the things we talked about in committee on various occasions is the photovoltaic plan that is going to be implemented on a lot of buildings around Washington, D.C., government buildings. It is fascinating technology. In fact, it has come light-years from where it was just a couple of decades ago, and I am very confident we are going to see some very interesting things come out of this as we move forward. Obviously, that is a big part of it.

Alternative energy sources is a very big part of what needs to be done in this country, whether it is wind power, photovoltaic, hydropower, obviously very, very important, as well as everything else out there that we need to do, which is clean burning coal technology, which is more drilling in the United States to utilize those resources we have right here in the United States, instead of doing what happened last night, which is locking away the vast majority of those resources in this country, at least when it comes to drilling off the Outer Continental Shelf, and not being allowed to drill between 50 and 0 miles of the coast.

That is unfortunate, because it is going to take all of the above. It is going to take solar power and wind power. It is going to take turning coal into fuel. It is going to take burning coal in a very clean way. It is going to take drilling for oil in the United States. It is going to take conservation, which is obviously a very big part of this. It is going to take all of those things.

What we need in this country is a real energy plan that does just that and that uses all of the above; not just a little bit of the above, but all of the above.

So I applaud the Kennedy Center and their plan, and I am looking forward to seeing how photovoltaic moves forward in this. I am very tickled to support this bill, H.R. 3986, and urge my colleagues to do the same.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I just want to comment a bit on his closing statement. The Comprehensive American Energy Security and Consumer Protection Act underscores real differences between really the Democrats and Republicans when it comes to energy.

The comprehensive Democratic plan is America's own 21st century energy policy that the country has been waiting for. It lowers prices for consumers and protects taxpayers, it expands domestic drilling offshore and on land, it expands renewable sources of energy, increases our security by freeing America from the grip of foreign oil, requires big oil to pay what it owes to the taxpayers, ends the subsidies for the big oil companies and creates good-paying jobs here in America.

The Republican bill presented was nothing more than the same Bush-Cheney energy policy, written by and for the energy companies. Big oil gets more land, more oil, more taxpayer dollars and all the record profits, while American families suffer because of the big prices.

Members of Congress made a clear choice last night. Some Republicans joined with the Democrats in siding with the American taxpayers and consumers struggling with these energy costs. I am puzzled how any Republican can oppose a policy that will create good-paying American jobs and increase the Nation's security, while it lowers the price for gas for our consumers.

□ 1630

Madam Speaker, I would urge the passage of the John F. Kennedy Center reauthorization bill.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 3986, as amended, the "John F. Kennedy Center Reauthorization Act of 2008".

The Kennedy Center is one of the world's preeminent cultural centers. More than a physical memorial, the Kennedy Center acts as a

living memorial for performance arts programming and education. The Kennedy Center is the Nation's busiest arts facility, presenting more than 3,000 performances in 2006 and hosting millions of theater goers, visitors, and tourists. The Kennedy Center also provides educational programs for teachers and students from pre-kindergarten through college across the United States.

H.R. 3986, as amended, authorizes the Kennedy Center's capital and maintenance program for the next 5 years. The bill authorizes a total of $112.5 million for fiscal years 2008 through 2012 for maintenance, repair, and security projects for the Kennedy Center. The bill also authorizes a total of $91.7 million for capital projects for the Kennedy Center during this period. These authorization levels are derived from the Kennedy Center's 2006/2007 Comprehensive Building Plan.

Over the past 10 years, the priorities for Kennedy Center capital improvements were life safety and accessibility projects. With the pending completion of these projects, the current Comprehensive Building Plan emphasizes facility infrastructure. In some past projects, such as theater renovations, the mechanical and electrical infrastructure scope has been limited to replacement of renovated space. The primary building mechanical and electrical systems consist of original equipment and those elements not previously replaced are reaching the end of normative service life, are showing signs of failure or impending breakdown, or are deteriorating. The bill authorizes systematic rehabilitation of these primary mechanical and electrical systems.

In addition, the bill authorizes the Kennedy Center to study, plan, design, and construct a photovoltaic system on the 4-acre (140,000 square foot) main roof of the Kennedy Center. According to a preliminary estimate by the Kennedy Center, a photovoltaic system would cost approximately $6 million to construct and would yield savings of approximately $10.2 million over the next 25 years.

I strongly urge my colleagues to join me in supporting H.R. 3986, as amended, the "John F. Kennedy Center Reauthorization Act of 2008".

Ms. EDDIE BERNICE JOHNSON of Texas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3986.

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. GRAVES. 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 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GREAT LAKES LEGACY REAUTHORIZATION ACT OF 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6460) to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6460

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 ''Great Lakes Legacy Reauthorization Act of 2008''.

SEC. 2. DEFINITIONS.

Section 118(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)(3)) is amended—

(1) in subparagraph (I) by striking ''and'' at the end;

(2) in subparagraph (J) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(K) 'site characterization' means a process for monitoring and evaluating the nature and extent of sediment contamination in accordance with the Environmental Protection Agency's guidance for the assessment of contaminated sediment in an area of concern located wholly or partially within the United States; and

''(L) 'potentially responsible party' means an individual or entity that may be liable under any Federal or State authority that is being used or may be used to facilitate the cleanup and protection of the Great Lakes.''.

SEC. 3. REMEDIATION OF SEDIMENT CONTAMINATION IN AREAS OF CONCERN.

(a) ELIGIBLE PROJECTS.—Section 118(c)(12)(B)(ii) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(12)(B)(ii)) is amended by striking ''sediment'' and inserting ''sediment, including activities to restore aquatic habitat that are carried out in conjunction with a project for the remediation of contaminated sediment''.

(b) LIMITATIONS.—Section 118(c)(12)(D) of such Act (33 U.S.C. 1268(c)(12)(D)) is amended—

(1) in the subparagraph heading by striking ''LIMITATION'' and inserting ''LIMITATIONS'';

(2) in clause (i) by striking ''or'' at the end;

(3) in clause (ii) by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

''(iii) unless each non-Federal sponsor for the project has entered into a written project agreement with the Administrator under which the party agrees to carry out its responsibilities and requirements for the project; or

''(iv) unless the Administrator provides assurance that the Agency has conducted a reasonable inquiry to identify potentially responsible parties connected with the site.''.

(c) IN-KIND CONTRIBUTIONS.—Section 118(c)(12)(E)(ii) of such Act (33 U.S.C. 1268(c)(12)(E)(ii)) is amended to read as follows:

''(ii) IN-KIND CONTRIBUTIONS.—

''(I) IN GENERAL.—The non-Federal share of the cost of a project carried out under this paragraph may include the value of an in-kind contribution provided by a non-Federal sponsor.

''(II) CREDIT.—A project agreement described in subparagraph (D)(iii) may provide, with respect to a project, that the Administrator shall credit toward the non-Federal share of the cost of the project the value of an in-kind contribution made by the non-Federal sponsor, if the Administrator determines that the material or service provided as the in-kind contribution is integral to the project.

''(III) WORK PERFORMED BEFORE PROJECT AGREEMENT.—In any case in which a non-Federal sponsor is to receive credit under subclause (II) for the cost of work carried out by the non-Federal sponsor and such work has not been carried out by the non-Federal sponsor as of the date of enactment of this subclause, the Administrator and the non-Federal sponsor shall enter into an agreement under which the non-Federal sponsor shall carry out such work, and only work carried out following the execution of the agreement shall be eligible for credit.

''(IV) LIMITATION.—Credit authorized under this clause for a project carried out under this paragraph—

''(aa) shall not exceed the non-Federal share of the cost of the project; and

''(bb) shall not exceed the actual and reasonable costs of the materials and services provided by the non-Federal sponsor, as determined by the Administrator.

''(V) INCLUSION OF CERTAIN CONTRIBUTIONS.—In this subparagraph, the term 'in-kind contribution' may include the costs of planning (including data collection), design, construction, and materials that are provided by the non-Federal sponsor for implementation of a project under this paragraph.''.

(d) NON-FEDERAL SHARE.—Section 118(c)(12)(E) of such Act (33 U.S.C. 1268(c)(12)(E)) is amended—

(1) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(2) by inserting after clause (ii) the following:

''(iii) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this subparagraph towards the non-Federal share of the cost of a project carried out under this paragraph may be applied towards the non-Federal share of the cost of any other project carried out under this paragraph by the same non-Federal sponsor for a site within the same area of concern.''; and

(3) in clause (iv) (as redesignated by paragraph (1) of this subsection) by striking ''service'' each place it appears and inserting ''contribution''.

(e) SITE CHARACTERIZATION.—Section 118(c)(12)(F) of such Act (33 U.S.C. 1268(c)(12)(F)) is amended to read as follows:

''(F) SITE CHARACTERIZATION.—

''(i) IN GENERAL.—The Administrator, in consultation with any affected State or unit of local government, shall carry out at Federal expense the site characterization of a project under this paragraph for the remediation of contaminated sediment.

''(ii) LIMITATION.—For purposes of clause (i), the Administrator may carry out one site assessment per discrete site within a project at Federal expense.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 118(c)(12)(H) of such Act (33 U.S.C. 1268(c)(12)(H)) is amended—

(1) by striking clause (i) and inserting the following:

''(i) IN GENERAL.—In addition to other amounts authorized under this section, there is authorized to be appropriated to carry out this paragraph—

''(I) $50,000,000 for each of fiscal years 2004 through 2008; and

''(II) $150,000,000 for each of fiscal years 2009 through 2013.''; and

(2) by adding at the end the following:

''(iii) ALLOCATION OF FUNDS.—Not more than 20 percent of the funds appropriated pursuant to clause (i)(II) for a fiscal year may be used to carry out subparagraph (F).''.

(g) PUBLIC INFORMATION PROGRAM.—Section 118(c)(13)(B) of such Act (33 U.S.C. 1268(c)(13)(B)) is amended by striking ''2008'' and inserting ''2013''.

SEC. 4. RESEARCH AND DEVELOPMENT PROGRAM.

Section 106(b)(1) of the Great Lakes Legacy Act of 2002 (33 U.S.C. 1271a(b)(1)) is amended to read as follows:

''(1) IN GENERAL.—In addition to amounts authorized under other laws, there is authorized to be appropriated to carry out this section—

''(A) $3,000,000 for each of fiscal years 2004 through 2008; and

''(B) $5,000,000 for each of fiscal years 2009 through 2013.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials on H.R. 6460.

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

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

H.R. 6460 reauthorizes appropriations, at increased levels, for sediment remediation purposes in the Great Lakes' areas of concern.

The presence of these contaminated sediments, a toxic legacy of the industrialized past for the Great Lakes basin, have plagued its waters for decades. These sediments have contributed to over 90 percent of the near-shore waters of the lakes being unsafe for fishing, swimming and wildlife habitat.

In 2002, the Committee on Transportation and Infrastructure, under the leadership of our current chairman, Congressman OBERSTAR, and Congressman VERN EHLERS, took action to begin the healing process for the Great Lakes community.

In that year, the Great Lakes Legacy Act was signed into law. The 2002 Legacy Act was enacted to encourage greater cooperation and expedited clean-up of the areas of concern. To accomplish this goal, the Legacy Act targeted Federal resources toward the remediation of contaminated sediment within the 31 areas of concern located within the United States or shared with Canada.

In many ways, the Legacy Act has been successful in laying the groundwork for addressing the areas of concern, but progress toward addressing and delisting these areas of concern has been very slow. Of the approximately 70 individual sites within the U.S. areas of concern, only four have been completely addressed. This is simply too slow, and the citizens of the Great Lakes basin demand that we take action to accelerate this process.

It is my hope that this legislation will set that in motion. Over the past year, my subcommittee has investigated why progress has slowed and has received several recommendations for targeted changes to the Legacy Act from stakeholders closely related with clean-up projects. H.R. 6460 encapsulates many of these recommendations, and it is intended to address the lessons learned as implementation of the Legacy Act program has matured.

First, H.R. 6460 significantly increases the authorization of appropriations for sediment remediation projects in the areas of concern, from $50 million to $150 million annually through 2013. The committee strongly believes that the increase in overall authorization and appropriations for this program will accelerate the pace of clean-up of the areas of concern. With full appropriation of the authorized amounts, it is our hope to complete the clean-up of all U.S. areas of concern within the next decade.

Second, in order to facilitate better understanding of the types, nature and volume of toxic sediment at contaminated sites, H.R. 6460 authorizes the administrator to carry out a site assessment of eligible projects at Federal expense.

This authority should overcome two difficulties identified in the implementation of the Legacy Act, the lack of sufficient information on the extent of the contamination and the identification of potential non-Federal cost-share partners for subsequent phases of remediation projects.

The language in H.R. 6460 attempts to replicate the successful model of the Corps of Engineers reconnaissance studies for Great Lakes sediment remediation projects. Again, this important change should accelerate the process of identifying the scope of contamination projects and quickly move projects from the conceptual stage to planning, design and construction phases.

Third, H.R. 6460 authorizes Legacy Act funding to be utilized for the restoration of aquatic habitat, provided that this restoration activity is carried out in conjunction with a sediment clean-up project.

Oftentimes, contaminated sediment has caused harm to neighboring aquatic habitat, and it is the presence of both contaminated sediment and the degraded aquatic habitat that results in sites being deemed as impaired. By allowing the simultaneous remediation of sediment, along with corresponding aquatic habitat, the Legacy Act should accelerate the process of delisting sites.

Finally, H.R. 6460 includes language requiring the administrator to provide assurance that the Environmental Protection Agency has conducted a reasonable inquiry to identify parties that are potentially liable for sediment contamination before a site can proceed under the Legacy Act. The committee believes that this provision is consistent with the intent of the original Legacy Act, as well as the ''polluter pays'' principle. In addition, this provision should help maximize the leveraging potential of contributions from non-Federal sources through the identification and encouraged participation of responsible parties in remediation activities.

While some have expressed concern that this provision will require additional time, it should neither present an opportunity to excessively delay clean-up projects, nor to divert additional sites to other Federal and State clean-up authorities. In addition, EPA is encouraged to coordinate this effort with State authorities and, where appropriate, utilize existing State efforts to identify responsible parties as a basis for its responsibilities under this Act.

Again, let me congratulate Congressman EHLERS and Congressman OBERSTAR for moving this important legislation forward. It is my hope that this legislation will mark another turning point in our joint efforts to remediate the Great Lakes areas of concern, and that by the time this legislation is again ripe for reauthorization, we will be within reach of completing the task of remediating the toxic legacy of the Great Lakes' past.

Madam Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, I want to first commend our colleague from Michigan, Dr. VERN EHLERS, for his years of work with stakeholders from the Great Lakes to advance the Great Lakes Legacy Act.

The Great Lakes are a vital source for both the United States and Canada. The Great Lakes system provides a waterway to move goods; water supply for drinking, industrial and agricultural purposes; a source of hydroelectric power; and swimming and other recreational activities.

But the industrialization and development of the Great Lakes Basin over the past 200 years has had an adverse impact on the Great Lakes. Although safe for drinking and swimming, in many places fish caught from the Great Lakes are not safe to eat.

Lake sediments, contaminated from the history of industrialization and development in the region, are one of the primary causes of this problem. By treaty, the United States and Canada are developing clean-up plans for the Great Lakes and for specific areas of concern. The Great Lakes Legacy Act, passed in 2002, has helped citizens restore the water quality of the Great Lakes by taking action to manage contaminated sediments and to prevent further contamination.

The Great Lakes Legacy Act authorized the Environmental Protection Agency to carry out qualified sediment remediation projects and conduct research and development of innovative approaches, technologies and techniques for the remediation of contaminated sediment in the Great Lakes.

Legacy Act funding must be matched with at least a 35 percent non-Federal share, encouraging local investment. By encouraging cooperative efforts through public-private partnerships, the Great Lakes Legacy Act provided a better way to address the problem of contaminated sediments. At some sites, removing sediments will be the best way to address short and long-term risks. At other sites, the last

thing we want to do is go in and stir up contaminated sediments by dredging, causing more harm to the environment.

Obviously, how to address contaminated sediments at each Great Lakes area of concern will be very much a site-specific decision.

The Great Lakes Legacy Act does not try to presume any particular clean-up option. It simply encourages stakeholders to take action and to make sure that the action they take will make a real improvement to human health and the environment.

This legislation is strongly supported by both environmental groups and business groups in the Great Lakes region. The Great Lakes Legacy Act reflects a consensus approach to addressing sediment contamination in the Great Lakes.

While the authorization for the Great Lakes Legacy Act expires this year, I remain concerned over tripling the authorized level of spending. The Act has been funded at a level between $22 million and $35 million per year, far short of the current $50 million annual authorization. In addition, the bill authorizes that habitat restoration be included as one of the authorized purposes. Unfortunately, this may mean less clean-up of contaminated sediments in the Great Lakes.

By expanding this program to cover other purposes, there will be less money for the primary purpose of getting pollution out of the water. Again, by all measures, the Great Lakes Legacy Act has been a successful program. There is some concern that we might delay ultimate clean-up by spending some of the Federal funds on activities other than sediment remediation.

Again, I want to congratulate Dr. EHLERS so much for his hard work in this area. He has been a true champion in this and for his persistence in bringing it to the floor today.

Madam Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I recognize Mr. STUPAK from Michigan for 2 minutes.

Mr. STUPAK. I thank the chairwoman for yielding me time.

Madam Speaker, I rise in support of H.R. 6460, the Great Lakes Legacy Reauthorization Act of 2008.

Since coming to Congress, I have made it my mission to protect and promote one of the Nation's most precious resources, the Great Lakes. I am a cosponsor of the Great Lakes Legacy Act and can speak personally on the positive impact it has had on my district.

Tannery Bay, located in Sault Ste. Marie, Michigan, suffered from pollution from byproducts left behind by the Northwestern Leather Company, which operated in the area from 1900 to 1958. On September, 2007, the Environmental Protection Agency, through the Great Lakes Legacy Act program, completed remediation of the Tannery Bay industrial site. In total, the clean-up removed 880,000 pounds of chromium and more than 70 pounds of mercury from the bay and the wetland on Tannery Point.

Success stories such as these demonstrate the need for continued support for the Great Lakes Legacy Act. The Environmental Protection Agency has estimated that more than 850,000 cubic yards of contaminated sediment has been removed since 2004. However, an estimated 75 million cubic yards of contaminated sediment remain in the Great Lakes.

This legislation would reauthorize the Great Lakes Legacy Act for an additional 5 years and triple the authorized funding levels for remediation in the Great Lakes up to $150 million per year.

I strongly support H.R. 6460 and look forward to the continued success of this program.

□ 1645

Mr. BOOZMAN. Madam Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Madam Speaker, I thank the gentleman for yielding. I also want to thank my colleague from Michigan for his kind words. He and I have worked on a number of Great Lakes issues together, and it has been a pleasure to work across the aisle on something that really benefits the people of this country.

I am very pleased today that we are taking up this bill. It is another great day for the Great Lakes. Today we renew and expand upon one of the most effective Federal environmental clean-up programs ever, the Great Lakes Legacy Act.

All of us have heard about Superfund and all of the tremendous cost overruns of that program. When we wrote this original Legacy Act some years ago, we made sure to keep the issues out of the courts, and make it a very efficient program, and that is exactly what has happened.

The Great Lakes, we all know, comprise the largest source of fresh water in the world—20 percent of the earth's total and 95 percent of the surface fresh water in the United States. The Great Lakes also provide drinking water, transportation, and recreation to millions of people. Approximately 30 million people drink the water of the Great Lakes in the United States and Canada.

However, the Great Lakes are endangered by contaminants from years of industrial pollution that have settled into the sediments of the tributaries, the rivers and streams, that flow into the lakes. These pollutants degrade the health of both humans and wildlife, and they disrupt the beneficial uses of the lakes. The longer we take to clean up these areas, the greater the likelihood that the sediment will be transported into the open waters of the Great Lakes, where cleanup is virtually impossible.

To address this problem, I introduced the original Great Lakes Legacy Act in the 107th Congress. With bipartisan support, the Congress passed and the President signed this bill in 2002.

The Great Lakes Legacy Act authorizes the EPA to clean up contaminated sediments in designated areas of concern in the Great Lakes. These areas of concern are designated by the EPA and are defined as any ecologically degraded geographic area that requires remediation. Currently, there are 43 areas of concern throughout the Great Lakes and 31 of those are either wholly or partially located within U.S. waters.

The Great Lakes Legacy Act has made tremendous progress in cleaning up contaminated areas. Of the 31 areas of concern in U.S. waters, four remediation projects have been completed, one project is underway, and six more are currently being monitored and evaluated. Since 2004, the EPA estimates that almost 1 million cubic yards of contaminated sediments have been removed from our Great Lakes tributaries. These sediments are saturated with toxic substances such as mercury, arsenic, chromium, cadmium, polychlorinates, better known as PCBs, and lead.

However, more cleanup work remains. The U.S. Policy Committee for the Great Lakes has identified 75 remaining contaminated sites. The Great Lakes Legacy Act expires in just a few days. In order to ensure this vital cleanup continues, Congressman JIM OBERSTAR and I introduced this bill. The bill has 45 bipartisan cosponsors and passed the Transportation Infrastructure Committee by voice vote.

In order to speed up efforts, this bill triples the authorized funding level from $50 million to $150 million per year. If fully appropriated, this has the potential to delist all of the U.S. areas of concern within the next decade. These funds will continue to be leveraged with a 35 percent non-Federal cost share with locals, businesses, environmental groups, and so forth.

The bill also makes a limited number of changes to the original Legacy Act that were jointly recommended by involved parties, and will vastly improve the bill.

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

Mr. BOOZMAN. Madam Speaker, I yield an additional 30 seconds to the gentleman.

Mr. EHLERS. The toxic pollutants from our industrial past have plagued the Great Lakes region for far too long. By voting for the Great Lakes Legacy Reauthorization Act, we can ensure that critical cleanup efforts in the Great Lakes continue.

In closing, I want to thank Chairman OBERSTAR, Chairwoman JOHNSON, Ranking Member MICA and Ranking Member BOOZMAN for all of their great work on this bill and their dedication to preserving our greatest fresh water resource.

I also want to thank staff members Ryan Seiger, Ben Webster, John Anderson and Jon Pawlow, and also Ben

Gielow on my staff. It has taken a lot of hard work, but it is a great bill and I am proud to present it. I ask all of my colleagues to join me in supporting the bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, I thank the gentlelady.

As a cosponsor, I rise in support of H.R. 6460, the Great Lakes Legacy Reauthorization Act. This bill will reauthorize and expand a highly successful program designed to help address the issue of contamination in the Great Lakes. The lakes hold 20 percent of the world's fresh water and are an irreplaceable economic engine and drinking water source for our region.

As a Member of Congress representing Ohio and particularly the Cleveland area, we pride ourselves on our access to that fresh water and we know it is not only important for today, but it is also part of our future as well. So the program created by the Great Lakes Legacy Act is focused on cleaning up areas of concern, sites that are known to be contaminated with toxic chemicals. These chemicals can cause damage to the entire ecosystem as well as damage to human health. For example, in the past research has linked consumption of Great Lakes fish by pregnant women to irreversible health problems in the child. So it becomes obvious that this program which will help to clean up contamination that remains in the Great Lakes will have an appreciable impact on improving human health and will also give people confidence in the fish that they consume from the Great Lakes.

We can do better to protect our precious Great Lakes. This bill is an important step, and I urge my colleagues to support the Great Lakes Legacy Reauthorization Act.

Mr. BOOZMAN. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Speaker, the Outboard Marine Corporation dumped tons of PCBs directly into Waukegan Harbor, polluting it. OMC's owner, George Soros, then looted the company and left.

I joined with Congressman EHLERS and Congressman EMANUEL to address that issue. To date we have been successful in cleaning five of 31 areas of concerns. One more is underway, and seven additional harbors are under evaluation. Under this very program, more than a million pounds of polluted sediment have been removed.

This bill before the House increases environmental remediation funds, and it speeds up the cleanup. It will help us to protect the Great Lakes, the source of drinking water for over 30 million Americans. I am particularly looking forward to Waukegan's cleanup. Shortly, we will announce the full Superfund cleanup of that harbor. Under Federal law, the Federal Government will take the lead to do its duty to remove this threat to human health. Some locals don't want the cleanup of our harbor, but they will not be able to prevent this needed environmental remediation. And when complete, it will increase Lake County property values by over $800 million.

We still have a few more days left to fund this program under the Great Lakes Legacy Act. I hope we do because then the cleanup will be even faster.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Madam Speaker, when I was growing up near Lake Michigan in Chicago, we used to have dead fish on top of the water for the first 30 feet. You had to run through the sand, past all of the dead fish, jump in the water, hold your breath, and go about 30 feet past the dead fish. Then Congress at that time passed the Clean Water Act. After 30-plus years, there is no doubt when you look at all of the Great Lakes, like Lake Michigan in Chicago, the Clean Water Act has been a tremendous success in the Great Lakes region. Kids today swim all across the different lakes because of what this Congress and a President had done in the past.

This act is important. It has been stated here on the floor, over 30 million Americans get their daily drinking water from Lake Michigan, Lake Erie, Lake Ontario, Lake Superior, and Lake Huron. It is the largest body of fresh water in North America and represents a quarter of the world's fresh water. The water here for the future of America will be like the energy debates we are having today, and the Great Lakes and all of the States that border them are the equivalent of our Yellowstone Park, our Grand Canyon. This is our national treasure and we have treated it over the years sometimes like a pond that can just be dumped in.

This act is a small step, but the right step. It is a bipartisan step to protect for a little over 30 million Americans their daily drinking water, to give the States and cities that border this area water and a sense of investment in their future.

Brookings Institute last year did a study. They showed that for every dollar we invest, we get $2 back of economic activity here in the Great Lakes.

This is the right thing to do. But we need to do the next step, the biggest step, build on the Clean Water Act of 30-plus years ago with a great American waterway.

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

Ms. EDDIE BERNICE JOHNSON of Texas. I yield the gentleman an additional minute.

Mr. EMANUEL. If we invest in our lakes and deal with the basic pollutants, that is invasive species, urban runoff and those types of pollution, we can deal with 93 percent of the problems affecting our lakes, our fresh water.

This is the type of investment that will make sure that not only the regions and the States that border these lakes, but the entire United States, will preserve and invest in one of the most important natural resources in the coming days and years ahead, which is clean water. I am proud of this accomplishment and hope it builds momentum going forward for a Clean Water Act, act II, that invests like the last one of 30 years and takes us to the next generation of what we need to do to deal with the invasive species and deal with the urban runoff and deal with the industrial deposits left from industrial times. If we do those three things, we will have made a dramatic difference in Lake Erie, Lake Michigan, Lake Superior, Lake Huron and Lake Ontario. I am proud to be associated with this great bipartisan legislation.

Mr. BOOZMAN. Madam Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Speaker, I too want to congratulate Dr. Vern Ehlers of Michigan who has spent a great portion of his career in the United States Congress championing our Great Lakes. They are truly our Nation's jewel that we in the north don't think we get enough credit for helping protect. I know the Speaker understands exactly what I am talking about, being a part of that Great Lakes basin.

□ 1700

And now I think if you watch the speeches on the floor today, that the rest of America will see why we become so feisty about water diversion and invasive species and contaminants going into our Great Lakes, and why, in a bipartisan way, we stand on this floor today to celebrate what has been done, what this bill will do, and the future health of the Great Lakes for future Americans.

I too grew up in the Great Lakes region and remember the warnings of no fishing and no wall eye fishing in Lake St. Claire when I was growing up, and how devastated we were to think that you couldn't even go out and put your line in the water and take that fish home without some horrible thing happening to you.

Well, we've come a long way since then, and I think we've all gotten a lot smarter on how we protect these lakes. And it goes just beyond what is good for the Great Lakes Basin. Currently it provides water to 42 million people in America. Nearly 30 percent of the Nation's gross domestic product is produced in the Great Lakes region.

The Great Lakes States have 3.7 million registered recreational boats, a third of the Nation's total. The commercial sport and fishing industry is collectively valued at more than $4 billion annually. Unfortunately, years of

industrial pollution have spread toxic sediments throughout the Great Lakes, and this bill directly confronts and cleans up those polluted and degraded areas.

This act has had an enormous impact on the citizens of Michigan and their communities. In Michigan alone, hundreds of thousands of pounds of dangerous contaminants have already been removed and safely disposed of. Of the 31 areas of concern in U.S. waters, four projects have already been completed, one project is underway, and six are currently being monitored and evaluated. This program is extremely workable and has been named one of the most effective Federal clean-up programs we have.

Since 2004, the EPA estimates that almost 1 million cubic yards of contaminated sediments have been removed from our Great Lakes tributaries. These sediments are filled with toxic substances such as mercury, arsenic, chromium, cadmium, polychlorinates (PCBs), and lead.

This really stands as our legacy to the next generation of Americans who will enjoy the Great Lakes, and it is an investment in the health of those Great Lakes for a prosperous, clean future of the Great Lakes basin. We have to pass this Great Lakes Legacy Act and continue the investment in the Great Lakes so that future generations will experience the lakes as we know them today.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I continue to reserve.

Mr. BOOZMAN. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Madam Speaker, woven throughout the fabric of our lives in the Wolverine State, we in Michigan, the Midwest, and all of America must never take our Great Lakes for granted. Today, in a bipartisan moment that reflects what is both the best in us and is expected of us, we come together to ensure that we do not take them for granted.

I come to this as someone whose parents took him on vacation with my brother up to Lake Superior to see its pristine natural beauty, to watch the glow of a Michigan sunset over Lake Michigan, to fish in Lake Erie and, in a moment of rare weakness on the part of my wife, I proposed to her on the shores of Lake Huron. I won't bring up whether she regrets it or not.

I say this because, as we raise our own children and they share the same experiences with the natural beauty of the Great Lakes, we are honoring a commitment to future generations to ensure that, for the time to come, our Great Lakes remain not only the boon of our quality of life and to the vibrancy of our economy, but they remain the most visible way we in Michigan and in the Midwest in America can teach our children that we honored our duty to defend those Great Lakes and pass them on for future generations.

I thank you for the opportunity to be a part of this bipartisan legislation.

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

Mr. UPTON. Madam Speaker, I do hail from the great State of Michigan, and I'm glad to say that my district borders one of the five Great Lakes, and I know the gentlelady from Wisconsin is equally as proud of our five Great Lakes as well.

Madam Speaker, one of my favorite guys here in the House is certainly former chairman of the Energy and Commerce Committee, JOE BARTON. And he has a statement that he says, ''Don't mess with Texas.''

Well, in the Midwest we have a statement as well: ''Don't mess with the Great Lakes.'' It doesn't matter if you're a Republican or a Democrat, a Member from Wisconsin, Michigan, Indiana, Illinois, Ohio, Pennsylvania, New York, it doesn't matter. You do not mess with the Great Lakes.

We have seen, over the years, some great improvement in terms of the quality of the water in Lake Michigan and all of the Great Lakes. It is not by accident. It is because of the actions of this Congress, Republicans and Democrats working together, to make sure that we have adequate resources not only to have identified the problem, but then to come back with the clean-up.

Sadly, the Great Lakes Legacy Act, and I want to give great credit to my colleague, Dr. EHLERS from Grand Rapids, for pushing this along, it expires this year. So the work that we have done over the last number of years would have been for naught had it not been for the committee moving together, important legislation that otherwise would see this expire, literally within just a couple of weeks.

My colleagues have talked about the tens of millions of Americans that live and rely on the Great Lakes for so many different needs. This bill authorizes the appropriation of $150 million each and every year to make sure that, in fact, we can continue to clean up the identified contaminated areas.

Now let me just relate an area that we had big time on this House floor last year. We were going to see the expansion of a refinery in Indiana, and we made sure, as a delegation——

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

Mr. BOOZMAN. Can I inquire how much time we have left?

The SPEAKER pro tempore. The gentleman from Arkansas controls 3½ remaining minutes.

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

Mr. UPTON. Madam Speaker, we saw last year a major refinery that was going to be expanded in the Great Lakes, and it was going to add to the discharge into Lake Michigan. And every single member of the Great Lakes Caucus, Republican and Democrat, all around that circle, stepped in, and we passed a resolution on this House stopping that from happening. We are proud to say that that did not happen. And that means we're going to actually save money because we're not going to have to clean it up.

But this is a bill that needs to happen. It has strong bipartisan support. I'm proud to say that we've had great progress over the last couple of years, but we're not done yet. This bill needs to happen. I commend the leadership on both sides of the aisle to make sure that it happens. And now we have to make sure that we work on the appropriators to make sure that the money continues to be there, to make sure, that, in fact, this remains a national treasure, because it is.

Mr. BOOZMAN. Madam Speaker, I want to thank our chairwoman, EDDIE BERNICE JOHNSON from Texas, for her leadership in this matter, for pushing this forward. Also, our chairman, Mr. OBERSTAR, who also has been very, very active on behalf of the Great Lakes, Ranking Member MICA, and again, as Mr. EHLERS mentioned earlier, which we probably don't mention enough, for our staffs that do a very, very good job of working hard and getting these very difficult things together so that we can bring them to the floor.

I also want to congratulate Dr. EHLERS for his hard work. This has been something that he's worked so hard on for so many years, for such a long time. It really is great that we're able to bring it to the floor and vote on it.

I look forward to coming back 5 years from now when we reauthorize again and hearing about, on both sides of the aisle, in a very bipartisan way, the people that live along the lake telling the story, telling the difference that this reauthorization has made and the tremendous improvement that we're going to make over the next 5 years.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise in full support of the Great Lakes Legacy Act and express my appreciation to Mr. OBERSTAR, Dr. EHLERS, and to Mr. BOOZMAN, who provided leadership on this bill.

Mr. DINGELL. Madam Speaker, I rise today as a strong supporter and cosponsor of H.R. 6460, the Great Lakes Legacy Reauthorization Act. I want to thank my friend and colleague from Michigan, VERN EHLERS, for sponsoring this bill as well as Chairman OBERSTAR for his leadership on the bill.

The Great Lakes Legacy Act has been an incredibly successful program. In fact, the first success story from the Legacy Act is in Trenton, Michigan. Black Lagoon, as it had been named in the 1980s because of the oil and grease that had accumulated between the 1940s and the 1970s, was renamed Ellias Cove just 1 year ago after the area was remediated. Without the Great Lakes Legacy Act, the $9.3 million cleanup would not have been possible.

Madam Speaker, the Great Lakes are a national treasure. However, to date, they have

not been treated as such. The Lakes have seen deterioration of water quality, the introduction of aquatic invasive species, and the contamination of toxic sediment, among other things. While the Great Lakes region has worked diligently over the past several decades to help clean up the Lakes, it is clear more must be done on the Federal level to implement the streamlined strategy already in place.

All of us representing Great Lakes' States were hopeful when in 2004 President Bush signed an executive order creating the Great Lakes Interagency Task Force. The task force spawned a coalition of Great Lakes' stakeholders, including local, State, and Federal Government groups, to implement a strategy over 5 years to protect and restore the Lakes. The Great Lakes Regional Collaboration, as the group is known, which consists of over 1500 stakeholders, called for $20 billion in funding to implement its recommendations. Unfortunately, the administration's Interagency Task Force, in its annual report, recommended that the strategy be funded from existing programs. Madam Speaker, such a recommendation demonstrates how out of touch the Bush administration is when it comes to the resources and major efforts needed to restore the Great Lakes.

So far, the Bush administration has paid quite a bit of lip service to restoring and protecting the Great Lakes, but that is where its commitment to the Lakes has ended. I am reminded of that commercial from the 1980s—"Where's the beef?" We all know what it is going to restore and protect the Lakes—money. Unfortunately, the President has not put his money where his mouth is and made the Great Lakes a real priority. The Great Lakes continue to be plagued by toxic pollutants that contaminate the sediment which can cause health problems for both wildlife and humans. That is why the House must act to reauthorize the Great Lakes Legacy Act by passing H.R. 6460. This legislation triples authorized funding from $50 million to $150 million per year for the next 5 years for cleanup of the nearly 40 degraded sites within the Great Lakes basin identified as Areas of Concern. In addition, this bill reauthorizes a non-Federal 35 percent match of Federal dollars invested into restoration efforts as well as $5 billion over 5 years for development of more effective clean up technologies, saving money in the long-run.

The past 8 years brought the Great Lakes little but empty promises from the Bush administration. Not only must we pass H.R. 6460 today, but we must also implement more of the recommendations of the Regional Strategy. I look forward to working with a new President—hopefully one from the Great Lakes region—who understands the importance of the Lakes and will do more than pay them just lip service.

Again, I ask my colleagues to join me in passing H.R. 6460.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 6460, the Great Lakes Legacy Reauthorization Act of 2008.

This legislation is designed to address the toxic legacy of the Great Lakes' industrial past that is currently putting residents of the Great Lakes region in harms way. Residents of the region have long been waiting for the remediation of these contaminated sites and it is the responsibility of this Congress to ensure that they do not wait any longer.

The history of the Great Lakes' region has largely been defined by the industrial successes of its past. For more than 2 centuries, the Lakes have provided residents of the region with sources of power and abundant natural resources, as well as transportation for the residents and manufactured goods of the basin. The Lakes have served as a catalyst that brought about growth and economic prosperity to not only the region, but also to the country as a whole.

The growth and expansion of the region's commerce and economy, however, did not come about without negative consequences. Along with it came unrestrained pollution of the Great Lakes watershed. Sadly, for the most part, this contamination remains today and continues to affect the region's residents.

In 2002, Congress enacted the Great Lakes Legacy Act to remediate contaminated sediments in the Great Lakes' areas of concern. This Act brought attention and awareness to the areas of concern, and also provided much needed funding for remediation sites.

This Congress has been tasked with reauthorizing the Act, but has also been afforded the opportunity to address the shortfalls of the initial legislation. For instance, during a hearing before the Subcommittee on Water Resources and Environment, many Members from the Great Lakes region expressed concern with the pace of cleanup of areas of concern.

In our view, the delay is the result of an incomplete knowledge of the contamination present at sites within the areas of concern, as well as a lack of funding to address the 70 different contaminated sediment sites with the U.S. areas of concern.

Madam Speaker, for far too long, residents of the Great Lakes region have been waiting for cleanup of these toxics sites.

H.R. 6460, the Great Lakes Legacy Reauthorization Act of 2008, will accelerate remediation of the areas of concern. It is my hope that this legislation will advance the pace of cleanup of contaminated sites in the Great Lakes and also ensure that parties responsible for the contamination are held liable.

Madam Speaker, I applaud the efforts of my Committee colleague, the gentleman from Michigan (Mr. EHLERS), for his unremitting work during the 107th Congress on the passage of the initial Great Lakes Legacy Act, as well as for his work on this important legislation that the House considers today.

I urge my colleagues to join me in supporting H.R. 6460, the "Great Lakes Legacy Reauthorization Act of 2008".

I insert in the RECORD an exchange of letters between the Committee on Transportation and Infrastructure and the Committee on Science and Technology.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 4, 2008.

HON. BART GORDON,
Chairman, Committee on Science and Technology, Washington, DC.

DEAR CHAIRMAN GORDON: I write to you regarding H.R. 6460, the Great Lakes Legacy Reauthorization Act of 2008.

I appreciate your willingness to waive rights to further consideration of H.R. 6460, notwithstanding the jurisdictional interest of the Committee on Science and Technology. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this or similar legislation. Furthermore, I agree to support your request for appointment of conferees from the Committee on Science and Technology if a conference is held on this matter.

This exchange of letters will be placed in the Committee Report on H.R. 6460 and inserted in the Congressional Record as part of the consideration of this legislation in the House. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, D.C., September 4, 2008.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN OBERSTAR: Thank you for your letter regarding H.R. 6460, the Great Lakes Legacy Reauthorization Act of 2008 This legislation was initially referred to both the Committee on Transportation and Infrastructure and the Committee on Science and Technology.

H.R. 6460 was marked up by the Committee on Transportation and Infrastructure on July 31, 2008. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner, and, accordingly, I will waive further consideration of this bill in Committee. However, agreeing to waive consideration of this bill should not be construed as the Committee on Science and Technology waiving its jurisdiction over H.R. 6460.

Further, I request your support for the appointment of Science and Technology Committee conferees during any House-Senate conference convened on this legislation. I also ask that a copy of this letter and your response be placed in the legislative report on H.R. 6460 and the Congressional Record during consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BART GORDON,
Chairman.

Ms. MOORE of Wisconsin. Mr. Speaker, I am pleased to join my colleagues from both sides of the aisle today in expressing my support for H.R. 6460, the Great Lakes Legacy Reauthorization Act of 2008.

Although progress has been reported in reducing the discharge of toxic and persistent chemicals into the Great Lakes, high concentrations of contaminants still remain at the bottom of a number of rivers and harbors in the region and continue to pose a risk to aquatic life, wildlife, and humans.

Although many of these chemicals have been banned for a number of years, after decades of industrial and municipal discharges and urban agricultural runoff, they continue to plague our region's water and without continued and strong federal support, I am concerned they may remain long after many of us and our grandchildren are no longer.

The areas targeted by the Legacy Act funding are plagued by chemicals that are known to cause adverse health effects in animals and humans, which do not break down easily, and which tend to persist in the environment and to accumulate in aquatic life, animals and human tissues.

It is not a problem with an easy solution. But we know that the Great Lakes Legacy Act

is part of the solution. Not only has it helped states in the region deal with this insidious threat but it also recognizes and affirms that the continuing protection of the Great Lakes is and must remain a national priority.

Although it has never been funded at its authorized level of $50 billion a year, the Legacy Act has contributed to a number of projects to remove polluted sentiments from these waters and protect the water quality of the Great Lakes as well as the millions of Americans who reside near, recreate in, or depend on the Lakes for their drinking water.

One of the areas of concerns targeted by the Legacy Act is the Milwaukee Estuary in my district which includes the lower portions of several rivers (the Milwaukee River, Menomonee River, and Kinnickinnic Rivers) and the inner and outer areas of the Milwaukee harbor and nearshore waters of Lake Michigan.

The rivers that flow through the area were for decades filled with toxic contaminants such as PCBs (polychlorinated biphenylshydrocarbons), PAHs (polychlorinated biphenyls and polyaromatic hydrocarbons), and industrial heavy metals.

Recently, the EPA and the Wisconsin Department of Natural Resources announced that they will soon begin a $22 million cleanup project to remove contaminated sediment from the Kinnickinnic River using Great Lakes Act funding ($14 million).

The project would remove about 170,000 cubic yards of sediment contaminated with PCBs and PAHs and is expected to be completed in Late 2009.

The project's successful completion will mean the removal of about 1,200 pounds of harmful PCBs and 13,000 pounds of PAHs and lead to the reduction of contaminated sediment being transported downstream to Lake Michigan. It will also improve the habitat for fish and wildlife that live in or near the river, while increasing recreational and commercial boating use of the river by the public, uses that have been strictly discouraged if not prohibited for a number of years.

Even as this project moves forward in my district, I know that many more are needed and remain on the drawing board for possible action and funding.

According to one estimate, seven projects being reviewed for possible funding under the Legacy Act would have a projected cost of about $85 million. The Legacy Act received $35 million in FY 2008 and this grant program is currently authorized at $50 million.

It is clear that the funding needs far outweigh the funding available. Given the high costs of these important projects, it is important that the federal government step up to the plate. This legislation before us does just that as it would triple the authorized levels of funding for Great Lakes Legacy Act programs.

Great Lakes communities have long taken pride in protecting our region's greatest natural resources. That pride has been matched by financial commitment. A study earlier this year by the Great Lakes and Saint Lawrence Cities initiatives estimated that local governments in the U.S. and Canada invest over $15 billion annually to protect the Great Lakes and St. Lawrence River basin ecosystem.

It is important that the federal government continue to show its commitment to this region as well. The strong reauthorizing legislation before us today would help keep that commitment and help mitigate the risk to the Great Lakes posed by toxic pollutants.

This program has and continues to enjoy strong support from elected officials in the Great Lakes states, the business community, environmental groups, and local communities affected by the legacy of contamination.

As a cosponsor of this bill and a strong supporter of efforts to protect the Great Lakes, I urge my colleagues to vote yes on this important bill.

Mrs. EDDIE BERNICE JOHNSON of Texas. I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 6460, as amended.

The question was taken.

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

Mr. BOOZMAN. 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 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

VERITAS TELESCOPE RELOCATION

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 35) to amend Public Law 108–331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona.

The Clerk read the title of the Senate joint resolution.

The text of the Senate joint resolution is as follows:

S.J. RES. 35

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOCATION OF VERITAS PROJECT.

Public Law 108–331 (118 Stat. 1281) is amended—

(1) in the long title, by striking ''on Kitt Peak near Tucson, Arizona'' and inserting ''in Arizona''; and

(2) in section 1, by striking ''on Kitt Peak near Tucson, Arizona'' and inserting ''at the Fred Lawrence Whipple Observatory Base Camp on Mount Hopkins, Arizona, or other similar location''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and add any extraneous materials to S.J. Res. 35.

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

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise in support of S.J. Res. 35, which amends Public Law 108–331. This public law provided for the construction and location and related activities in support of the VERITAS project in Arizona.

Madam Speaker, this Senate resolution amends this law by identifying another location for the VERITAS project. S.J. Res. 35 authorizes the Smithsonian to relocate the telescope to Fred Lawrence Whipple Observatory Base Camp on Mount Hopkins, Arizona, from the original site at Kitt Peak, Arizona. This is a simple but necessary change, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

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

Madam Speaker, I rise in support of Senate Joint Resolution 35 that would amend Public Law 108–331 to provide for the Smithsonian Institution's construction of certain facilities in support of the Very Energetic Radiation Imaging Telescope Array System, or VERITAS.

The VERITAS project is a collaboration with the National Science Foundation and the Department of Energy as the lead agencies. Universities in the United States, the United Kingdom, Canada and Ireland are participants in this work.

The goal of the VERITAS project is to increase our ability to view gamma-ray radiation in space.

□ 1715

Studying gamma ray radiation from objects like exploding stars and black holes will help increase our scientific understanding of the universe. In 1968, the first telescope was created to observe this gamma ray radiation. VERITAS significantly enhances this technology.

In 2004, Congress authorized the Smithsonian to construct a control building to support the VERITAS project. The control building would include space for computers, technical equipment, and other facilities for researchers to carry out their work with the new telescopes.

The original legislation authorized the control building to be built in Kitt Peak, Arizona, where the VERITAS project was expected to be located. Site and construction preparation began in Kitt Peak in 2004 on land leased to the U.S. Government by a local Indian tribe. Unfortunately, in 2005, the

project was halted when a lawsuit was brought and the National Science Foundation issued a stop work order.

As a result, the NSF and the DOE began to undertake new environmental assessments of the Kitt Peak site and, in 2005, started initial work on the VERITAS telescopes 35 miles away at the Fred Lawrence Base Camp in Mount Hopkins, Arizona. The plan was to move the telescopes to Kitt Peak following completion of the necessary assessments.

However, the assessment process continued into 2007 and there were concerns about missing windows of opportunities for joint work planned with NASA's gamma ray telescope satellite.

In light of this, the VERITAS team sought and received approval from the United States Forest Service to test the telescopes at the Whipple Base Camp. The testing revealed that the Whipple location produced results comparable with those they expected at Kitt Peak. As a result, the collaborative partners agreed that the VERITAS project should remain at the Whipple Base Camp.

The legislation enacted in 2004 authorized the construction of a control building by the Smithsonian for the project; however, it specified Kitt Peak, Arizona, as the project location.

The Senate resolution today would amend that law to authorize the construction of the control building at the Whipple Base Camp in Mount Hopkins, Arizona, where the VERITAS project is now located.

This resolution does not authorize any additional funds for the project. The resolution simply authorizes the change in the location of the project at no additional cost.

I urge my colleagues to support the bill.

If the gentlelady does not have any further speakers, Madam Speaker, I would go ahead then and yield back the balance of my time.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of S.J. Res. 35, which amends Public Law 108–331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System, "VERITAS", project in Arizona. Public Law 108–331 was passed in October 2004 during the 108th Congress.

This joint resolution authorizes the Smithsonian Institution to permanently locate the telescope at the Fred Lawrence Whipple Observatory Base Camp on Mount Hopkins, Arizona, which is approximately 35 miles from the original site, Kitt Peak's Horseshoe Canyon. The Smithsonian Institution has set up the telescope at this site on an interim basis and the VERITAS Science Consortium and Smithsonian Astrophysical Observatory request that the VERITAS telescope remain at the Whipple Observatory for the rest of its scientific life. As a result, the Board of Regents of the Smithsonian Institution requests an amendment to Public Law 108331 to authorize the Board to locate the VERITAS telescope at Fred Lawrence Whipple Observatory Base Camp on Mount Hopkins, Arizona, or other similar location.

I urge my colleagues to join me in supporting S.J. Res. 35.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I just urge support and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and agree to the Senate joint resolution, S.J. Res. 35.

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. GRAVES. 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 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION ACT OF 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6627) to authorize the Board of Regents of the Smithsonian Institution to carry out certain construction projects, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6627

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 "Smithsonian Institution Facilities Authorization Act of 2008".

SEC. 2. LABORATORY AND SUPPORT SPACE, EDGEWATER, MARYLAND.

(a) AUTHORITY TO DESIGN AND CONSTRUCT.—The Board of Regents of the Smithsonian Institution is authorized to design and construct laboratory and support space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $41,000,000 for fiscal years 2009 through 2011. Such sums shall remain available until expended.

SEC. 3. LABORATORY SPACE, GAMBOA, PANAMA.

(a) AUTHORITY TO CONSTRUCT.—The Board of Regents of the Smithsonian Institution is authorized to construct laboratory space to accommodate the terrestrial research program of the Smithsonian tropical research institute in Gamboa, Panama.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $14,000,000 for fiscal years 2009 and 2010. Such sums shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous material on H.R. 6627.

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

There was no objection.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 6627, the Smithsonian Facilities Authorization Act of 2008. This bill has bipartisan support, including support from Congresswoman MATSUI, Congressman BECERRA, and Congressman JOHNSON, who are Smithsonian regents. Majority Leader HOYER and Ranking Member MICA are also in support of authorizing construction funding of these two renowned and vital Smithsonian facilities.

The Mathias Research Center located in Edgewater, Maryland, is a global leader in the study of ecosystems in coastal zones. It was established in the 1930s on a dairy farm in Edgewater, Maryland. Nearly one-half of SERC's 146 employees and fellows conduct the majority of their work in trailers. A major part of SERC's mission is research and professional training of the next generation of environmental scientists.

The Board of Regents of the Smithsonian Institution requested authority to design and construct laboratory space to accommodate the Mathias Laboratory at SERC.

The Board requested authority to upgrade and replace the facility to eliminate unsafe trailers and address substandard, inefficient labs. The facility and its support spaces need to be replaced.

The Smithsonian Tropical Research Institute, located in Mathias Research Center, Panama, is the principal United States organization devoted to research in tropical biology which will advance scientific study and improve human welfare. Ecological catastrophes such as drought, starvation, and flooding caused by deforestation and overpopulation of tropical regions are studied for causes and remedies.

This facility is a world-renowned research and education center dedicated to research and analysis of tropical ecosystems. The Board of Regents requested authority to replace current science building structure that is heavily infested with termites.

I support these projects and the Board of Regents' request for construction authorization.

I urge passage.

I reserve the balance of my time.

Mr. GRAVES. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, H.R. 6627 authorizes construction of permanent structures to serve as Smithsonian research facilities in Edgewater, Maryland, and Gamboa, Panama. The new buildings will replace aging leased and temporary structure, and provide needed research space for the Smithsonian's research mission.

As part of a comprehensive facilities management plan, the Smithsonian has identified these two research centers as facilities in need of permanent, modern research buildings. The construction of the laboratories authorized by this bill will enable the Smithsonian to reduce its leased space inventory and consolidate its research operations. This will also allow the Smithsonian to close 80-year-old buildings that are costly to operate and not suitable for renovation.

Construction of new facilities in Gamboa will allow the Smithsonian to move out of general office space reconfigured for research and consolidate operations into a government-owned structure more appropriate and less costly for a modern research facility.

The Edgewater, Maryland, research facility will finally have permanent structures after working for many years out of temporary trailers. These trailers are expensive to maintain, and have a short, useful life.

Because the new buildings will be government-owned and cost less to operate and maintain, this legislation is expected to save money in the long term. The new facilities will be designed to meet the specific needs of the research centers.

Government ownership of the structures will save taxpayer dollars by investing in assets that will continue to serve the Smithsonian Institution over time. The dilapidated buildings and trailers currently used consume building maintenance resources and are a liability to the government rather than an asset. Replacement of the old buildings will allow us to shift dollars from maintaining aging structures to creating modern, useful facilities.

I am encouraged by the Smithsonian's responsible property management decisions in these two cases, and I ask my colleagues to please join me in supporting H.R. 6627.

Mr. OBERSTAR. Madam Speaker, I rise in strong support of H.R. 6627, the "Smithsonian Facilities Authorization Act of 2008".

H.R. 6627 authorizes the Board of Regents of the Smithsonian Institution to design and construct laboratory space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center ("SERC") in Edgewater, Maryland. The bill also authorizes the Board of Regents to construct laboratory space to accommodate the terrestrial research program of the Smithsonian Tropical Research Institute ("STRI") in Gamboa, Panama.

The SERC is a global leader in the study of ecosystems in coastal zones. Founded on the site of an abandoned 1930s dairy farm in Edgewater, Maryland, the SERC facilities include farm buildings, the Mathias Laboratory, 10 temporary trailers, an administrative building, and a variety of lab support spaces. Nearly one-half of SERC's 146 employees and fellows conduct the majority of their work in trailers. A major part of SERC's mission is to conduct research and professional training of the next generation of environmental scientists.

The Board of Regents of the Smithsonian Institution requested authority to design and construct laboratory space to accommodate the Mathias Laboratory at SERC. The Board requested authority to upgrade and replace the facility to eliminate unsafe trailers and address substandard, inefficient labs. The facility and its support spaces need to be replaced. The bill authorizes a total of $41 million for fiscal years 2009 through 2011 to design and construct the Mathias Laboratory.

The Smithsonian Tropical Research Institute is located in Gamboa, Panama. STRI is the principal United States organization devoted to research in tropical biology. Both scientific advancement and human welfare depend on a continuing commitment to research in tropical biology for such things as finding untapped tropical resources to add to the important supply of food, pharmaceuticals, and fiber that we already get from the tropics, and to give us a better understanding of how to avoid further ecological catastrophes such as drought, starvation, and flooding caused by deforestation and overpopulation of tropical regions.

The STRI facility is a world-renowned research and education center dedicated to research and analysis of tropical ecosystems. The Board of Regents requested authority to replace current science building structure that is heavily infested with termites. The bill authorizes a total of $14 million for fiscal years 2009 and 2010 to construct the laboratory.

Madam Speaker, over the past two years, the Board of Regents of the Smithsonian Institution has worked to address numerous management shortfalls. I look forward to working with the Board of Regents and the new Secretary of the Smithsonian, Secretary G. Wayne Clough, as we continue to work together to improve the Smithsonian's management practices and carry out James Smithson's mandate of 1826: "for the increase and diffusion of knowledge among men."

I thank Committee on Transportation and Infrastructure Ranking Member MICA, Subcommittee Chairwoman NORTON, Committee on House Administration Chairman BRADY and Ranking Member EHLERS, the Smithsonian Congressional Regents, Mr. BECERRA, Ms. MATSUI, and Mr. JOHNSON of Texas, and Majority Leader HOYER for their support in authorizing construction funding of these two vital Smithsonian facilities.

I strongly urge my colleagues to join me in supporting H.R. 6627, the "Smithsonian Institution Facilities Authorization Act of 2008".

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

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise in support of the act to replace these two facilities, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 6627.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 1335, de novo;

S. 2339, de novo;

H.R. 1594, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

CELEBRATING THE 120-YEAR PARTNERSHIP BETWEEN THE GOVERNMENT AND STATE VETERANS HOMES

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1335.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 1335.

The question was taken.

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

Mrs. CAPITO. 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 411, nays 0, not voting 22, as follows:

[Roll No. 602]

YEAS—411

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

Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
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)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
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)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Baca
Brady (TX)
Cannon
Conyers
Cubin
Dreier
Grijalva
Hastings (FL)
Hoekstra
Hulshof
Hunter
Jackson-Lee (TX)
Lampson
McCarthy (NY)
McCrery
Moran (VA)
Pitts
Poe
Reynolds
Stark
Udall (CO)
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1754

Mr. BAIRD changed his vote from ''nay'' to ''yea.''

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.

Stated for:

Mr. CONYERS. Madam Speaker, I was inadvertently detained today and regret missing the vote on House Resolution 1335. Had I been able to vote, I would have voted "yea".

LIEUTENANT COLONEL CLEMENT C. VAN WAGONER DEPARTMENT OF VETERANS AFFAIRS CLINIC

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the Senate bill, S. 2339.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the Senate bill, S. 2339.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 21, as follows:

[Roll No. 603]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
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
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
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)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz

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

NOT VOTING—21

Baca
Bishop (UT)
Brady (TX)
Cubin
Dreier
Grijalva
Hastings (FL)
Hoekstra
Hulshof
Jackson-Lee (TX)
Lampson
McCarthy (NY)
McCrery
Pitts
Poe
Reynolds
Smith (TX)
Stark
Tsongas
Udall (CO)
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in the vote.

□ 1802

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MICHAEL A. MARZANO DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1594.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1594.

The question was taken.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 410, noes 0, not voting 23, as follows:

[Roll No. 604]

AYES—410

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
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
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
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
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)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—23

Abercrombie
Baca
Brady (TX)
Buchanan
Cubin
Dreier
Granger
Grijalva
Hastings (FL)
Hoekstra
Hulshof
Jackson-Lee (TX)
Lampson
Linder
Matheson
McCarthy (NY)
McCrery
Pitts
Poe
Reynolds
Stark
Tsongas
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in the vote.

□ 1810

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6604, COMMODITY MARKETS TRANSPARENCY AND ACCOUNTABILITY ACT OF 2008

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–859) on the resolution (H. Res. 1449) providing for consideration of the bill (H.R. 6604) to amend the Commodity Exchange Act to bring greater transparency and accountability to commodity markets, and for other purposes, which was referred to the House Calendar and ordered to be printed.

AUTHORIZING AND DIRECTING THE COMMITTEE ON THE JUDICIARY TO INQUIRE WHETHER THE HOUSE SHOULD IMPEACH G. THOMAS PORTEOUS, A JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent that the Committee on Rules be discharged from

further consideration of House Resolution 1448 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). Is there objection to the request of the gentlewoman from New York?

There was no objection.

The text of the resolution is as follows:

H. RES. 1448

Resolved, That the Committee on the Judiciary shall inquire whether the House should impeach G. Thomas Porteous, a judge of the United States District Court for the Eastern District of Louisiana.

SEC. 2. The Committee on the Judiciary or any subcommittee or task force designated by the Committee may, in connection with the inquiry under this resolution, take affidavits and depositions by a member, counsel, or consultant of the Committee, pursuant to notice or subpoena.

SEC. 3. There shall be paid out of the applicable accounts of the House such sums as may be necessary to assist the Committee on the Judiciary in conducting the inquiry under this resolution, any of which may be used for the procurement of staff or consultant services.

SEC. 4. (a) For the purpose of the inquiry under this resolution, the Committee on the Judiciary is authorized to require by subpoena or otherwise—

(1) the attendance and testimony of any person (including at a taking of a deposition by counsel or consultant of the Committee); and

(2) the production of such things;

as it deems necessary to such inquiry.

(b) The Chairman of the Committee on the Judiciary, after consultation with the Ranking Member, may exercise the authority of the Committee under subsection (a).

(c) The Committee on the Judiciary may adopt a rule regulating the taking of depositions by a member, counsel, or consultant of the Committee, including pursuant to subpoena.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the subject of the resolution just adopted.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2169

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to remove Congressman RICK LARSEN from H.R. 2169, the Clean Water Protection Act.

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

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 tomorrow.

EXPAND AND PRESERVE HOME OWNERSHIP THROUGH COUNSELING ACT

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3019) to establish an Office of Housing Counseling to carry out and coordinate the responsibilities of the Department of Housing and Urban Development regarding counseling on homeownership and rental housing issues, to make grants to entities for providing such counseling, to launch a national housing counseling advertising campaign, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3019

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 ''Expand and Preserve Home Ownership Through Counseling Act''.

SEC. 2. ESTABLISHMENT OF OFFICE OF HOUSING COUNSELING.

Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection:

''(g) OFFICE OF HOUSING COUNSELING.—

''(1) ESTABLISHMENT.—There is established, in the Office of the Secretary, the Office of Housing Counseling.

''(2) DIRECTOR.—There is established the position of Director of Housing Counseling. The Director shall be the head of the Office of Housing Counseling and shall be appointed by the Secretary. Such position shall be a career-reserved position in the Senior Executive Service.

''(3) FUNCTIONS.—

''(A) IN GENERAL.—The Director shall have ultimate responsibility within the Department, except for the Secretary, for all activities and matters relating to homeownership counseling and rental housing counseling, including—

''(i) research, grant administration, public outreach, and policy development relating to such counseling; and

''(ii) establishment, coordination, and administration of all regulations, requirements, standards, and performance measures under programs and laws administered by the Department that relate to housing counseling, homeownership counseling (including maintenance of homes), mortgage-related counseling (including home equity conversion mortgages and credit protection options to avoid foreclosure), and rental housing counseling, including the requirements, standards, and performance measures relating to housing counseling.

''(B) SPECIFIC FUNCTIONS.—The Director shall carry out the functions assigned to the Director and the Office under this section and any other provisions of law. Such functions shall include establishing rules necessary for—

''(i) the counseling procedures under section 106(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(h)(1));

''(ii) carrying out all other functions of the Secretary under section 106(g) of the Housing and Urban Development Act of 1968, including the establishment, operation, and publication of the availability of the toll-free telephone number under paragraph (2) of such section;

''(iii) carrying out section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604) for home buying information booklets prepared pursuant to such section;

''(iv) carrying out the certification program under section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e));

''(v) carrying out the assistance program under section 106(a)(4) of the Housing and Urban Development Act of 1968, including criteria for selection of applications to receive assistance;

''(vi) carrying out any functions regarding abusive, deceptive, or unscrupulous lending practices relating to residential mortgage loans that the Secretary considers appropriate, which shall include conducting the study under section 6 of the Expand and Preserve Home Ownership Through Counseling Act;

''(vii) providing for operation of the advisory committee established under paragraph (4) of this subsection;

''(viii) collaborating with community-based organizations with expertise in the field of housing counseling; and

''(ix) providing for the building of capacity to provide housing counseling services in areas that lack sufficient services.

''(4) ADVISORY COMMITTEE.—

''(A) IN GENERAL.—The Secretary shall appoint an advisory committee to provide advice regarding the carrying out of the functions of the Director.

''(B) MEMBERS.—Such advisory committee shall consist of not more than 12 individuals, and the membership of the committee shall equally represent all aspects of the mortgage and real estate industry, including consumers.

''(C) TERMS.—Except as provided in subparagraph (D), each member of the advisory committee shall be appointed for a term of 3 years. Members may be reappointed at the discretion of the Secretary.

''(D) TERMS OF INITIAL APPOINTEES.—As designated by the Secretary at the time of appointment, of the members first appointed to the advisory committee, 4 shall be appointed for a term of 1 year and 4 shall be appointed for a term of 2 years.

''(E) PROHIBITION OF PAY; TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

''(F) ADVISORY ROLE ONLY.—The advisory committee shall have no role in reviewing or awarding housing counseling grants.

''(5) SCOPE OF HOMEOWNERSHIP COUNSELING.—In carrying out the responsibilities of the Director, the Director shall ensure that homeownership counseling provided by, in connection with, or pursuant to any function, activity, or program of the Department addresses the entire process of homeownership, including the decision to purchase a home, the selection and purchase of a home, issues arising during or affecting the period of ownership of a home (including refinancing, default and foreclosure, and other financial decisions), and the sale or other disposition of a home.''.

SEC. 3. COUNSELING PROCEDURES.

(a) IN GENERAL.—Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) is amended by adding at the end the following new subsection:

''(g) PROCEDURES AND ACTIVITIES.—

''(1) COUNSELING PROCEDURES.—

''(A) IN GENERAL.—The Secretary shall establish, coordinate, and monitor the administration by the Department of Housing and Urban Development of the counseling procedures for homeownership counseling and rental housing counseling provided in connection with any program of the Department, including all requirements, standards, and performance measures that relate to homeownership and rental housing counseling.

''(B) HOMEOWNERSHIP COUNSELING.—For purposes of this subsection and as used in the provisions referred to in this subparagraph, the term 'homeownership counseling' means counseling related to homeownership and residential mortgage loans. Such term includes counseling related to homeownership and residential mortgage loans that is provided pursuant to—

''(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

''(ii) in the United States Housing Act of 1937—

''(I) section 9(e) (42 U.S.C. 1437g(e));

''(II) section 8(y)(1)(D) (42 U.S.C. 1437f(y)(1)(D));

''(III) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

''(IV) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

''(V) section 32(e)(4) (42 U.S.C. 1437z–4(e)(4));

''(VI) section 33(d)(2)(B) (42 U.S.C. 1437z–5(d)(2)(B));

''(VII) sections 302(b)(6) and 303(b)(7) (42 U.S.C. 1437aaa–1(b)(6), 1437aaa–2(b)(7)); and

''(VIII) section 304(c)(4) (42 U.S.C. 1437aaa–3(c)(4));

''(iii) section 302(a)(4) of the American Homeownership and Economic Opportunity Act of 2000 (42 U.S.C. 1437f note);

''(iv) sections 233(b)(2) and 258(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2), 12808(b));

''(v) this section and section 101(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x, 1701w(e));

''(vi) section 220(d)(2)(G) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4110(d)(2)(G));

''(vii) sections 422(b)(6), 423(b)(7), 424(c)(4), 442(b)(6), and 443(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6), 12873(b)(7), 12874(c)(4), 12892(b)(6), and 12893(b)(6));

''(viii) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

''(ix) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A));

''(x) in the National Housing Act—

''(I) in section 203 (12 U.S.C. 1709), the penultimate undesignated paragraph of paragraph (2) of subsection (b), subsection (c)(2)(A), and subsection (r)(4);

''(II) subsections (a) and (c)(3) of section 237 (12 U.S.C. 1715z–2); and

''(III) subsections (d)(2)(B) and (m)(1) of section 255 (12 U.S.C. 1715z–20);

''(xi) section 502(h)(4)(B) of the Housing Act of 1949 (42 U.S.C. 1472(h)(4)(B)); and

''(xii) section 508 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–7).

''(C) RENTAL HOUSING COUNSELING.—For purposes of this subsection, the term 'rental housing counseling' means counseling related to rental of residential property, which may include counseling regarding future homeownership opportunities and providing referrals for renters and prospective renters to entities providing counseling and shall include counseling related to such topics that is provided pursuant to—

''(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

''(ii) in the United States Housing Act of 1937—

''(I) section 9(e) (42 U.S.C. 1437g(e));

''(II) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

''(III) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

''(IV) section 32(e)(4) (42 U.S.C. 1437z–4(e)(4));

''(V) section 33(d)(2)(B) (42 U.S.C. 1437z–5(d)(2)(B)); and

''(VI) section 302(b)(6) (42 U.S.C. 1437aaa–1(b)(6));

''(iii) section 233(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2));

''(iv) section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x);

''(v) section 422(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6));

''(vi) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

''(vii) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A)); and

''(viii) the rental assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

''(2) STANDARDS FOR MATERIALS.—The Secretary, in conjunction with the advisory committee established under section 4(g)(4) of the Department of Housing and Urban Development Act (42 U.S.C. 3533(g)(4), shall establish standards for materials and forms to be used, as appropriate, by organizations providing homeownership counseling services, including any recipients of assistance pursuant to subsection (a)(4).

''(3) MORTGAGE SOFTWARE SYSTEMS.—

''(A) CERTIFICATION.—The Secretary shall provide for the certification of various computer software programs for consumers to use in evaluating different residential mortgage loan proposals. The Secretary shall require, for such certification, that the mortgage software systems take into account—

''(i) the consumer's financial situation and the cost of maintaining a home, including insurance, taxes, and utilities;

''(ii) the amount of time the consumer expects to remain in the home or expected time to maturity of the loan;

''(iii) such other factors as the Secretary considers appropriate to assist the consumer in evaluating whether to pay points, to lock in an interest rate, to select an adjustable or fixed rate loan, to select a conventional or government-insured or guaranteed loan and to make other choices during the loan application process.

If the Secretary determines that available existing software is inadequate to assist consumers during the residential mortgage loan application process, the Secretary shall arrange for the development by private sector software companies of new mortgage software systems that meet the Secretary's specifications.

''(B) USE AND INITIAL AVAILABILITY.—Such certified computer software programs shall be used to supplement, not replace, housing counseling. The Secretary shall provide that such programs are initially used only in connection with the assistance of housing counselors certified pursuant to subsection (e).

''(C) AVAILABILITY.—After a period of initial availability under subparagraph (B) as the Secretary considers appropriate, the Secretary shall take reasonable steps to make mortgage software systems certified pursuant to this paragraph widely available through the Internet and at public locations, including public libraries, senior-citizen centers, public housing sites, offices of public housing agencies that administer rental housing assistance vouchers, and housing counseling centers.

''(4) NATIONAL PUBLIC SERVICE MULTIMEDIA CAMPAIGNS TO PROMOTE HOUSING COUNSELING.—

''(A) IN GENERAL.—The Director of Housing Counseling shall develop, implement, and conduct national public service multimedia campaigns designed to make persons facing mortgage foreclosure, persons considering a subprime mortgage loan to purchase a home, elderly persons, persons who face language barriers, low-income persons, and other potentially vulnerable consumers aware that it is advisable, before seeking or maintaining a residential mortgage loan, to obtain homeownership counseling from an unbiased and reliable sources and that such homeownership counseling is available, including through programs sponsored by the Secretary of Housing and Urban Development.

''(B) CONTACT INFORMATION.—Each segment of the multimedia campaign under subparagraph (A) shall publicize the toll-free telephone number and web site of the Department of Housing and Urban Development through which persons seeking housing counseling can locate a housing counseling agency in their State that is certified by the Secretary of Housing and Urban Development and can provide advice on buying a home, renting, defaults, foreclosures, credit issues, and reverse mortgages.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, not to exceed $3,000,000 for fiscal years 2008, 2009, and 2010, for the develop, implement, and conduct of national public service multimedia campaigns under this paragraph.

''(5) EDUCATION PROGRAMS.—The Secretary shall provide advice and technical assistance to States, units of general local government, and nonprofit organizations regarding the establishment and operation of, including assistance with the development of content and materials for, educational programs to inform and educate consumers, particularly those most vulnerable with respect to residential mortgage loans (such as elderly persons, persons facing language barriers, low-income persons, and other potentially vulnerable consumers), regarding home mortgages, mortgage refinancing, home equity loans, and home repair loans.''.

(b) CONFORMING AMENDMENTS TO GRANT PROGRAM FOR HOMEOWNERSHIP COUNSELING ORGANIZATIONS.—Section 106(c)(5)(A)(ii) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)) is amended—

(1) in subclause (III), by striking ''and'' at the end;

(2) in subclause (IV) by striking the period at the end and inserting ''; and''; and

(3) by inserting after subclause (IV) the following new subclause:

''(V) notify the housing or mortgage applicant of the availability of mortgage software systems provided pursuant to subsection (g)(3).''.

SEC. 4. GRANTS FOR HOUSING COUNSELING ASSISTANCE.

Section 106(a) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(3)) is amended by adding at the end the following new paragraph:

''(4) HOMEOWNERSHIP AND RENTAL COUNSELING ASSISTANCE.—

''(A) IN GENERAL.—The Secretary shall make financial assistance available under this paragraph to States, units of general local governments, and nonprofit organizations providing homeownership or rental counseling (as such terms are defined in subsection (g)(1)).

''(B) QUALIFIED ENTITIES.—The Secretary shall establish standards and guidelines for eligibility of organizations (including governmental and nonprofit organizations) to receive assistance under this paragraph.

''(C) DISTRIBUTION.—Assistance made available under this paragraph shall be distributed in a manner that encourages efficient and successful counseling programs.

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $45,000,000 for each of fiscal years 2008 through 2011 for—

''(i) the operations of the Office of Housing Counseling of the Department of Housing and Urban Development;

''(ii) the responsibilities of the Secretary under paragraphs (2) through (5) of subsection (g); and

''(iii) assistance pursuant to this paragraph for entities providing homeownership and rental counseling.''.

SEC. 5. REQUIREMENTS TO USE HUD-CERTIFIED COUNSELORS UNDER HUD PROGRAMS.

Section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) REQUIREMENT FOR ASSISTANCE.—An organization may not receive assistance for counseling activities under subsection (a)(1)(iii), (a)(2), (a)(4), (c), or (d) of this section, or under section 101(e), unless the organization, or the individuals through which the organization provides such counseling, has been certified by the Secretary under this subsection as competent to provide such counseling.'';

(2) in paragraph (2)—

(A) by inserting ''and for certifying organizations'' before the period at the end of the first sentence; and

(B) in the second sentence by striking ''for certification'' and inserting '', for certification of an organization, that each individual through which the organization provides counseling shall demonstrate, and, for certification of an individual,'';

(3) in paragraph (3), by inserting ''organizations and'' before ''individuals'';

(4) by redesignating paragraph (3) as paragraph (5); and

(5) by inserting after paragraph (2) the following new paragraphs:

''(3) REQUIREMENT UNDER HUD PROGRAMS.—Any homeownership counseling or rental housing counseling (as such terms are defined in subsection (g)(1)) required under, or provided in connection with, any program administered by the Department of Housing and Urban Development shall be provided only by organizations or counselors certified by the Secretary under this subsection as competent to provide such counseling.

''(4) OUTREACH.—The Secretary shall take such actions as the Secretary considers appropriate to ensure that individuals and organizations providing homeownership or rental housing counseling are aware of the certification requirements and standards of this subsection and of the training and certification programs under subsection (f).''.

SEC. 6. STUDY OF DEFAULTS AND FORECLOSURES.

The Secretary of Housing and Urban Development shall conduct an extensive study of the root causes of default and foreclosure of home loans, using as much empirical data as are available. The study shall also examine the role of escrow accounts in helping prime and nonprime borrowers to avoid defaults and foreclosures. Not later than 12 months after the date of the enactment of this Act, the Secretary shall submit to the Congress a preliminary report regarding the study. Not later than 24 months after such date of enactment, the Secretary shall submit a final report regarding the results of the study, which shall include any recommended legislation relating to the study, and recommendations for best practices and for a process to identify populations that need counseling the most.

SEC. 7. DEFINITIONS FOR COUNSELING-RELATED PROGRAMS.

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

''(h) DEFINITIONS.—For purposes of this section:

''(1) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' has the meaning given such term in section 104(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(5)), except that subparagraph (D) of such section shall not apply for purposes of this section.

''(2) STATE.—The term 'State' means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, or any other possession of the United States.

''(3) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' means any city, county, parish, town, township, borough, village, or other general purpose political subdivision of a State.''.

SEC. 8. UPDATING AND SIMPLIFICATION OF MORTGAGE INFORMATION BOOKLET.

Section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604) is amended—

(1) in the section heading, by striking ''SPECIAL'' and inserting ''HOME BUYING'' ;

(2) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) PREPARATION AND DISTRIBUTION.—The Secretary shall prepare, at least once every 5 years, a booklet to help consumers applying for federally related mortgage loans to understand the nature and costs of real estate settlement services. The Secretary shall prepare the booklet in various languages and cultural styles, as the Secretary determines to be appropriate, so that the booklet is understandable and accessible to homebuyers of different ethnic and cultural backgrounds. The Secretary shall distribute such booklets to all lenders that make federally related mortgage loans. The Secretary shall also distribute to such lenders lists, organized by location, of homeownership counselors certified under section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) for use in complying with the requirement under subsection (c) of this section.

''(b) CONTENTS.—Each booklet shall be in such form and detail as the Secretary shall prescribe and, in addition to such other information as the Secretary may provide, shall include in plain and understandable language the following information:

''(1) A description and explanation of the nature and purpose of the costs incident to a real estate settlement or a federally related mortgage loan. The description and explanation shall provide general information about the mortgage process as well as specific information concerning, at a minimum—

''(A) balloon payments;

''(B) prepayment penalties; and

''(C) the trade-off between closing costs and the interest rate over the life of the loan.

''(2) An explanation and sample of the uniform settlement statement required by section 4.

''(3) A list and explanation of lending practices, including those prohibited by the Truth in Lending Act or other applicable Federal law, and of other unfair practices and unreasonable or unnecessary charges to be avoided by the prospective buyer with respect to a real estate settlement.

''(4) A list and explanation of questions a consumer obtaining a federally related mortgage loan should ask regarding the loan, including whether the consumer will have the ability to repay the loan, whether the consumer sufficiently shopped for the loan, whether the loan terms include prepayment penalties or balloon payments, and whether the loan will benefit the borrower.

''(5) An explanation of the right of rescission as to certain transactions provided by sections 125 and 129 of the Truth in Lending Act.

''(6) A brief explanation of the nature of a variable rate mortgage and a reference to the booklet entitled 'Consumer Handbook on Adjustable Rate Mortgages', published by the Board of Governors of the Federal Reserve System pursuant to section 226.19(b)(1) of title 12, Code of Federal Regulations, or to any suitable substitute of such booklet that such Board of Governors may subsequently adopt pursuant to such section.

''(7) A brief explanation of the nature of a home equity line of credit and a reference to the pamphlet required to be provided under section 127A of the Truth in Lending Act.

''(8) Information about homeownership counseling services made available pursuant to section 106(a)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)), a recommendation that the consumer use such services, and notification that a list of certified providers of homeownership counseling in the area, and their contact information, is available.

''(9) An explanation of the nature and purpose of escrow accounts when used in connection with loans secured by residential real estate and the requirements under section 10 of this Act regarding such accounts.

''(10) An explanation of the choices available to buyers of residential real estate in selecting persons to provide necessary services incidental to a real estate settlement.

''(11) An explanation of a consumer's responsibilities, liabilities, and obligations in a mortgage transaction.

''(12) An explanation of the nature and purpose of real estate appraisals, including the difference between an appraisal and a home inspection.

''(13) Notice that the Office of Housing of the Department of Housing and Urban Development has made publicly available a brochure regarding loan fraud and a World Wide Web address and toll-free telephone number for obtaining the brochure.

The booklet prepared pursuant to this section shall take into consideration differences in real estate settlement procedures that may exist among the several States and territories of the United States and among separate political subdivisions within the same State and territory.'';

(3) in subsection (c), by inserting at the end the following new sentence: ''Each lender shall also include with the booklet a reasonably complete or updated list of homeownership counselors who are certified pursuant to section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) and located in the area of the lender.''; and

(4) in subsection (d), by inserting after the period at the end of the first sentence the following: ''The lender shall provide the HUD-issued booklet in the version that is most appropriate for the person receiving it.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman Georgia.

GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous materials thereon.

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

There was no objection.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself as much time as I may consume.

Today, I rise in support of H.R. 3019, the Expand and Preserve Home Ownership through Counseling Act. This important legislation establishes an office of housing counseling at the Department of Housing and Urban Development to carry out and to coordinate the responsibilities of the Department with respect to counseling on homeownership and rental housing issues.

The House of Representatives has already approved this bipartisan bill in three separate measures that have passed during this Congress. They include H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act of 2007; H.R. 5830, the FHA Housing Stabilization and Home Ownership Retention Act of 2008; and the initial House version of H.R. 3221, the Housing and Economic Recovery Act of 2008.

□ 1815

Given that the Senate has yet to act upon this important housing counseling measure, it is important that the House pass this legislation as a stand-alone bill.

HUD's current Housing Counseling Program authorizes HUD to provide or contract with organizations to provide counseling and advice to tenants, homeowners and low and moderate income families on a range of housing issues. However, the current program lacks the stature, organization and prominence in the Department to help ensure that its counseling activities are high quality, widely available and well-coordinated within other Department activities.

In the midst of this foreclosure crisis, this extraordinary crisis we are going through at this very moment in our financial markets, there can be no doubt that housing counseling, whether it is pre-purchase or post-purchase, is a vital component of the homeownership process, and I urge this House to support this bill, which will create an Office of Housing Counseling at HUD to better focus the Department's resources in this area.

Now, specifically this bill will do the following: It establishes an Office of Housing Counseling to carry out and coordinate the responsibilities of the Department with respect to counseling on homeownership and rental housing issues; it will require and facilitate the coordination of HUD's homeownership and rental housing counseling programs, including programs targeted at low and moderate income individuals, the homeless and senior citizens; it will require the launch of a national public service multi-media campaign to promote housing counseling, including the establishment of a Web site and toll-free hotline; and it will authorize the assurance of homeownership and rental housing counseling grants to HUD-certified State, local and nonprofit organizations.

This is an important and critical piece of legislation, and much needed, for all we know that the need for housing counseling far outstrips its current availability. The enactment of H.R. 3019 is a major step in addressing this need in a very comprehensive, thorough, efficient and effective manner, and I urge this full House to support this very important bipartisan home counseling legislation.

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

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

Mr. Speaker, as the author of H.R. 3019, the Expand and Preserve Home Ownership Through Counseling Act, I urge my colleagues to support this legislation. First let me thank Congressman Ruben Hinojosa for being the lead Democrat on this bill.

In 2005, we founded the House Financial and Economic Literacy Caucus, which is now over 75 members strong, and we have been working together on this issue for a very long time. This bill is just one more example of how financial literacy can promote economic security and empower Americans to make more informed decisions.

Second, I would like to thank Chairman FRANK and Ranking Member BACHUS for their support for this legislation. Both the chairman and ranking member have included the language of this bill in various mortgage and housing packages, two of which, as Mr. SCOTT said, have previously passed the House but not the other Chamber. The first time was in November of 2007, and the second time was in H.R. 3221, and that bill passed the House on May 8 of this year. Unfortunately, the Senate has not yet acted on this important legislation. It is my hope that the Senate will consider the bill as a stand-alone measure and send it to the President's desk before we adjourn this year.

What does the bill do? Well, it elevates housing counseling within the Department of Housing and Urban Development by establishing an Office of Housing Counseling and a director of that office who reports directly to the Secretary of HUD. The office will be tasked with carrying out and coordinating HUD's Home Ownership and Housing Rental Counseling Program, targeted at low and moderate income individuals, the homeless and the seniors, just to name a few.

More specifically, the bill authorizes $180 million over the next 4 years for HUD to operate this office, offer grants to State and local counseling agencies and launch a national outreach campaign. The bill also calls for the office to provide a report to Congress on the root causes of defaults and foreclosures, including recommendations for policy reforms and best practices, as well as identification of populations most in need of counseling.

Mr. Speaker, counseling can help guide homeowners into a loan that best meets their budgets and needs, steering them way from possible foreclosure down the road. Housing counseling, one form of financial literacy, is often the first line of defense that first-time home buyers have against predatory lending practices.

In addition, counselors can save the homes of borrowers currently facing foreclosure. So many troubled mortgage holders genuinely want to pay for their home and had solid payment histories before their rates were reset. These are people that if given the right refinancing options, can and would be able to make their monthly payments. But they need someone to help them evaluate their options, guide them through the process and facilitate discussions with their current lenders.

One thing that we have learned during this downturn in the housing market is that many Americans need to better understand the terms of financial products, including and especially mortgages. Education is one of the most important tools in our arsenal to keep our economy and American families on sound financial footing. It is my hope that by providing greater access to home counseling services, we can help to prevent a repeat performance of the recent housing bubble.

Mr. Speaker, I would like to conclude today by thanking the folks at the DuPage Homeownership Center of Northern Will County in Illinois. They have helped so many residents of the 13th Congressional District of Illinois to secure sound mortgages or avoid foreclosure. And I would like to thank all the counselors and organizations across the country that are now involved in the HOPE NOW initiative, which reported last month it had helped over 2 million homeowners to avoid foreclosure.

With that, I would urge my colleagues to support the bill.

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

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

Mr. Speaker, as we conclude this, let me state the appreciation this entire Congress has for the distinguished leadership of Mrs. BIGGERT on this issue. She has been a pioneer in financial literacy. She has committed a tremendous amount of her time and energy to this bill and to other bills. I want to commend her for that.

Another bill which she has provided leadership on has been a financial literacy bill of utmost importance as we see now, and that is K through 12th grade literacy programs, to get them into our schools. I think it is very important for all of us here to know, and the Nation to know, that Mrs. BIGGERT has provided sterling leadership on this entire issue of financial literacy. I certainly want to say how appreciative we all are for that leadership, Mrs. BIGGERT.

It points out, Mr. Speaker, as we look at where we are today with the downturn of the financial markets, the meltdown of our mortgage industry, at the core of it as we peel back the reasons and the causes we will all find and come to the conclusion that we have a tremendous need for financial literacy and financial education, because the core of our problem is that there are so many complicated and complex entities involved in financing, that we as a nation are coming up short on financial literacy.

To you, Mrs. BIGGERT, I thank you for your leadership on this. It has indeed been a pleasure working with you on this subject, and this bill is a testimonial to your leadership.

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

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

Mr. Speaker, I thank the gentleman from Georgia (Mr. SCOTT) for his very kind words. I really appreciate it. He is a wonderful member of the Financial Services Committee and is always there and always knows what is going on and always participates and does a good job. I thank you for all your work.

With that, I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of of H.R. 3019, to expand and preserve home ownership through counseling, introduced by my colleague from Illinois, Representative BIGGERT. This important legislation will amend the Department of Housing and Urban Development Act to establish an Office of Housing Counseling which will conduct activities relating to homeownership and rental housing counseling.

GENERAL

When the crisis in the mortgage industry began, it primarily hit subprime borrowers. As the foreclosure crisis endured, home values started declining and eventually affected homeowners who are considered to be prime borrowers. This amendment to the Housing and Urban Development Act of 1968 will require a number of different stipulations that will encourage the expansion of home ownership with adequate information to make an informed decision. These stipulations include:

Directing the Office of the Secretary to establish, coordinate, and monitor Housing and Urban Development (HUD) administration of homeownership and rental housing counseling procedures provided in connection with any HUB program, including all related requirements, standards, and performance measures.

Requiring the Office of the Secretary to provide certification for various computer software programs for consumers to use in evaluating different residential mortgage loan proposals.

Encouraging the Director of Housing Counseling to develop, implement, and conduct national public service multimedia campaigns designed to make potential homeowners aware that counseling is available from unbiased and reliable sources.

Requiring the Secretary to provide technical and financial assistance to State governments, local governments, and non-profit organizations.

Directing the Secretary to study and report to Congress the root cause of default and foreclosure on homes.

Amending the Real Estate Settlement Procedures Act of 1974 to revise requirements for HUD booklets designed to help consumers applying for federally related mortgage loans to understand the nature of real estate settlement services.

MINORITIES

Problematic, unaffordable subprime loans are more often issued to African-American and Latino homebuyers. Nationally, African-American home purchasers were 2.7 times more likely to be issued a high cost loan than white borrowers. Latinos were 2.3 times more likely to be issued a high cost home purchase loan than white borrowers. Similarly, for refinance loans, African-Americans were 1.8 times more likely to be issued a high cost loan than whites. Latinos were 1.4 times more likely to be burdened with a high refinance cost loan than white homeowners.

These racial disparities persist even among homeowners of the same income level. In comparative terms, upper-income African-Americans were 3.3 times more likely than upper-income whites to be issued a high cost loan when purchasing a home. Upper-income Latinos were 3 times more likely than upper-income whites to be issued a high cost loan when purchasing a home.

America's lower-income and minority communities receive a disproportionate number of subprime loans and are therefore most exposed to experience default and foreclosure. Based on public data for 2006 available under the Home Mortgage Disclosure Act (HMDA), this report examines the extent of high-cost lending for 172 metropolitan areas, determines the disparities between borrowers of various races and income levels and identifies metropolitan areas that are at highest risk of facing concentrated foreclosures

CONCLUSION

I firmly believe that we must pass this legislation in order to create equal terms and equal information for every homeowner or potential homeowner in America. This legislation will ensure that information is equally available to all homebuyers and enable every person to have a fair chance to obtain the information necessary to make informed financial decisions. There is a disparity of information in our current mortgage system and H.R. 3019 will enable the Government to alleviate this disparity by improving the flow of information through house owner counseling.

I urge my colleagues to support H.R. 3019 as well, as together we search for solutions that will help constituents throughout the United States.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 3019, as amended.

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

A motion to reconsider was laid on the table.

FRANK MELVILLE SUPPORTIVE HOUSING INVESTMENT ACT OF 2008

Mr. MURPHY of Connecticut. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5772) to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5772

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Frank Melville Supportive Housing Investment Act of 2008''.

(b) REFERENCES.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, section 811 or any other provision of section 811, the reference shall be considered to be made to section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013).

SEC. 2. TENANT-BASED RENTAL ASSISTANCE THROUGH CERTIFICATE FUND.

(a) TERMINATION OF MAINSTREAM TENANT-BASED RENTAL ASSISTANCE PROGRAM.—Section 811 is amended—

(1) in subsection (b)—

(A) by striking the first subsection designation and all that follows through the end of subparagraph (B) of paragraph (2) and inserting the following:

''(b) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary is authorized to provide assistance to private nonprofit organizations to expand the supply of supportive housing for persons with disabilities, which shall be provided as—

''(1) capital advances in accordance with subsection (d)(1), and

''(2) contracts for project rental assistance in accordance with subsection (d)(2).''; and

(B) by striking ''assistance under this paragraph'' and inserting ''Assistance under this subsection'';

(2) in subsection (d), by striking paragraph (4); and

(3) in subsection (l), by striking paragraph (1).

(b) RENEWAL THROUGH SECTION 8.—Section 811 is amended by adding at the end the following new subsection:

''(p) AUTHORIZATION OF APPROPRIATIONS FOR SECTION 8 ASSISTANCE.—

''(1) IN GENERAL.—There is authorized to be appropriated for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) for persons with disabilities in fiscal year 2009 the amount necessary to provide a number of incremental vouchers under such section that is equal to the number of vouchers provided in fiscal year 2008 under the tenant-based rental assistance program under subsection (d)(4) of this section (as

in effect before the date of the enactment of the Frank Melville Supportive Housing Investment Act of 2008).

''(2) REQUIREMENTS UPON TURNOVER.—The Secretary shall develop and issue, to public housing agencies that receive voucher assistance made available under this subsection and to public housing agencies that received voucher assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) for non-elderly disabled families pursuant to appropriation Acts for fiscal years 1997 through 2002 or any other subsequent appropriations for incremental vouchers for non-elderly disabled families, guidance to ensure that, to the maximum extent possible, such vouchers continue to be provided upon turnover to qualified persons with disabilities or to qualified non-elderly disabled families, respectively.''.

SEC. 3. MODERNIZED CAPITAL ADVANCE PROGRAM.

(a) PROJECT RENTAL ASSISTANCE CONTRACTS.—Section 811 is amended—

(1) in subsection (d)(2)—

(A) by inserting ''(A) INITIAL PROJECT RENTAL ASSISTANCE CONTRACT.—'' after ''PROJECT RENTAL ASSISTANCE.—''

(B) in the first sentence, by inserting after ''shall'' the following: ''comply with subsection (e)(2) and shall'';

(C) by striking ''annual contract amount'' each place such term appears and inserting ''amount provided under the contract for each year covered by the contract''; and

(D) by adding at the end the following new subparagraph:

''(B) RENEWAL OF AND INCREASES IN CONTRACT AMOUNTS.—

''(i) EXPIRATION OF CONTRACT TERM.—Upon the expiration of each contract term, subject to the availability of amounts made available in appropriation Acts, the Secretary shall adjust the annual contract amount to provide for reasonable project costs, and any increases, including adequate reserves and service coordinators, except that any contract amounts not used by a project during a contract term shall not be available for such adjustments upon renewal.

''(ii) EMERGENCY SITUATIONS.—In the event of emergency situations that are outside the control of the owner, the Secretary shall increase the annual contract amount, subject to reasonable review and limitations as the Secretary shall provide.''.

(2) in subsection (e)(2)—

(A) in the first sentence, by inserting before the period at the end the following: '', except that, in the case of the sponsor of a project assisted with any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 or with any tax-exempt housing bonds, the contract shall have an initial term of not be less than 360 months and shall provide funding for a term of 60 months''; and

(B) by striking ''extend any expiring contract'' and insert ''upon expiration of a contract (or any renewed contract), renew such contract''.

(b) PROGRAM REQUIREMENTS.—Section 811 is amended—

(1) in subsection (e)—

(A) by striking the subsection heading and inserting the following: ''PROGRAM REQUIREMENTS'';

(B) by striking paragraph (1) and inserting the following new paragraph:

''(1) USE RESTRICTIONS.—

''(A) TERM.—Any project for which a capital advance is provided under subsection (d)(1) shall be operated for not less than 40 years as supportive housing for persons with disabilities, in accordance with the application for the project approved by the Secretary and shall, during such period, be made available for occupancy only by very low-income persons with disabilities.

''(B) CONVERSION.—If the owner of a project requests the use of the project for the direct benefit of very low-income persons with disabilities and, pursuant to such request the Secretary determines that a project is no longer needed for use as supportive housing for persons with disabilities, the Secretary may approve the request and authorize the owner to convert the project to such use.''; and

(C) by adding at the end the following new paragraphs:

''(3) LIMITATION ON USE OF FUNDS.—No assistance received under this section (or any State or local government funds used to supplement such assistance) may be used to replace other State or local funds previously used, or designated for use, to assist persons with disabilities.

''(4) MULTIFAMILY PROJECTS.—

''(A) LIMITATION.—Except as provided in subparagraph (B), of the total number of dwelling units in any multifamily housing project (including any condominium or cooperative housing project) containing any unit for which assistance is provided from a capital grant under subsection (d)(1) made after the date of the enactment of the Frank Melville Supportive Housing Investment Act of 2008, the aggregate number that are used for persons with disabilities, including supportive housing for persons with disabilities, or to which any occupancy preference for persons with disabilities applies, may not exceed 25 percent of such total.

''(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of any project that is a group home or independent living facility.''; and

(2) in subsection (l), by striking paragraph (4).

(c) DELEGATED PROCESSING.—Subsection (g) of section 811 (42 U.S.C. 8013(g)) is amended—

(1) by striking ''SELECTION CRITERIA.—'' and inserting ''SELECTION CRITERIA AND PROCESSING.—(1) SELECTION CRITERIA.—'';

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as subparagraphs (A), (B), (C), (D), (E), (G), and (H), respectively;

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

''(2) DELEGATED PROCESSING.—

''(A) In issuing a capital advance under subsection (d)(1) for any multifamily project (but not including any project that is a group home or independent living facility) for which financing for the purposes described in the last sentence of subsection (b) is provided by a combination of the capital advance and sources other than this section, within 30 days of award of the capital advance, the Secretary shall delegate review and processing of such projects to a State or local housing agency that—

''(i) is in geographic proximity to the property;

''(ii) has demonstrated experience in and capacity for underwriting multifamily housing loans that provide housing and supportive services;

''(iii) may or may not be providing low-income housing tax credits in combination with the capital advance under this section; and

''(iv) agrees to issue a firm commitment within 12 months of delegation.

''(B) The Secretary shall retain the authority to process capital advances in cases in which no State or local housing agency has applied to provide delegated processing pursuant to this paragraph or no such agency has entered into an agreement with the Secretary to serve as a delegated processing agency.

''(C) An agency to which review and processing is delegated pursuant to subparagraph (A) may assess a reasonable fee which shall be included in the capital advance amounts and may recommend project rental assistance amounts in excess of those initially awarded by the Secretary. The Secretary shall develop a schedule for reasonable fees under this subparagraph to be paid to delegated processing agencies, which shall take into consideration any other fees to be paid to the agency for other funding provided to the project by the agency, including bonds, tax credits, and other gap funding.

''(D) Under such delegated system, the Secretary shall retain the authority to approve rents and development costs and to execute a capital advance within 60 days of receipt of the commitment from the State or local agency. The Secretary shall provide to such agency and the project sponsor, in writing, the reasons for any reduction in capital advance amounts or project rental assistance and such reductions shall be subject to appeal.''.

(d) LEVERAGING OTHER RESOURCES.—Paragraph (1) of section 811(g) (as so designated by subsection (c)(1) of this section) is amended by inserting after subparagraph (E) (as so redesignated by subsection (c)(2) of this section) the following new subparagraph:

''(F) the extent to which the per-unit cost of units to be assisted under this section will be supplemented with resources from other public and private sources;''.

(e) TENANT PROTECTIONS AND ELIGIBILITY FOR OCCUPANCY.—Section 811 is amended by striking subsection (i) and inserting the following new subsection:

''(i) ADMISSION AND OCCUPANCY.—

''(1) TENANT SELECTION.—

''(A) PROCEDURES.—An owner shall adopt written tenant selection procedures that are satisfactory to the Secretary as (i) consistent with the purpose of improving housing opportunities for very low-income persons with disabilities; and (ii) reasonably related to program eligibility and an applicant's ability to perform the obligations of the lease. Owners shall promptly notify in writing any rejected applicant of the grounds for any rejection.

''(B) REQUIREMENT FOR OCCUPANCY.—Occupancy in dwelling units provided assistance under this section shall be available only to persons with disabilities and households that include at least one person with a disability.

''(C) AVAILABILITY.—Except only as provided in subparagraph (D), occupancy in dwelling units in housing provided with assistance under this section shall be available to all persons with disabilities eligible for such occupancy without regard to the particular disability involved.

''(D) LIMITATION ON OCCUPANCY.—Notwithstanding any other provision of law, the owner of housing developed under this section may, with the approval of the Secretary, limit occupancy within the housing to persons with disabilities who can benefit from the supportive services offered in connection with the housing.

''(2) TENANT PROTECTIONS.—

''(A) LEASE.—The lease between a tenant and an owner of housing assisted under this section shall be for not less than one year, and shall contain such terms and conditions as the Secretary shall determine to be appropriate.

''(B) TERMINATION OF TENANCY.—An owner may not terminate the tenancy or refuse to renew the lease of a tenant of a rental dwelling unit assisted under this section except—

''(i) for serious or repeated violation of the terms and conditions of the lease, for violation of applicable Federal, State, or local law, or for other good cause; and

''(ii) by providing the tenant, not less than 30 days before such termination or refusal to renew, with written notice specifying the grounds for such action.

''(C) VOLUNTARY PARTICIPATION IN SERVICES.—A supportive service plan for housing assisted under this section shall permit each resident to take responsibility for choosing and acquiring their own services, to receive any supportive services made available directly or indirectly by the owner of such housing, or to not receive any supportive services.''.

(f) DEVELOPMENT COST LIMITATIONS.—Subsection (h) of section 811 is amended—

(1) in paragraph (1)—

(A) by striking the paragraph heading and inserting ''GROUP HOMES'';

(B) in the first sentence, by striking ''various types and sizes'' and inserting ''group homes'';

(C) by striking subparagraph (E); and

(D) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively;

(2) in paragraph (3), by inserting ''established pursuant to paragraph (1)'' after ''cost limitation''; and

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

''(6) APPLICABILITY OF HOME PROGRAM COST LIMITATIONS.—

''(A) IN GENERAL.—The provisions of section 212(e) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(e)) and the cost limits established by the Secretary pursuant to such section with respect to the amount of funds under subtitle A of title II of such Act that may be invested on a per unit basis, shall apply to supportive housing assisted with a capital advance under subsection (d)(1) and the amount of funds under such subsection that may be invested on a per unit basis.

''(B) WAIVERS.—The Secretary shall provide for waiver of the cost limits applicable pursuant to subparagraph (A)—

''(i) in the cases in which the cost limits established pursuant to section 212(e) of the Cranston-Gonzalez National Affordable Housing Act may be waived; and

''(ii) to provide for—

''(I) the cost of special design features to make the housing accessible to persons with disabilities;

''(II) the cost of special design features necessary to make individual dwelling units meet the special needs of persons with disabilities; and

''(III) the cost of providing the housing in a location that is accessible to public transportation and community organizations that provide supportive services to persons with disabilities.''.

(g) REPEAL OF AUTHORITY TO WAIVE SIZE LIMITATIONS.—Paragraph (1) of section 811(k) is amended—

(1) in paragraph (1), by striking the second sentence; and

(2) in paragraph (4), by striking ''(or such higher number of persons'' and all that follows through ''subsection (h)(6))''.

(h) MINIMUM ALLOCATION FOR MULTIFAMILY PROJECTS.—Subsection (l) of section 811, as amended by the preceding provisions of this Act, is further amended by inserting before paragraph (2) the following new paragraph:

''(1) MINIMUM ALLOCATION FOR MULTIFAMILY PROJECTS.—The Secretary shall establish a minimum percentage of the amount made available for each fiscal year for capital advances under subsection (d)(1) that shall be used for multifamily projects subject to subsection (e)(4).''.

SEC. 4. PROJECT RENTAL ASSISTANCE COMPETITIVE DEMONSTRATION PROGRAM.

Section 811, as amended by the preceding provisions of this Act, is further amended—

(1) by redesignating subsections (k) through (n) as subsections (l) through (o), respectively; and

(2) by inserting after subsection (j) the following new subsection:

''(k) PROJECT RENTAL ASSISTANCE-ONLY COMPETITIVE DEMONSTRATION PROGRAM.—

''(1) AUTHORITY.—The Secretary shall carry out a demonstration program under this subsection to expand the supply of supportive housing for non-elderly adults with disabilities, under which the Secretary shall make funds available for project rental assistance pursuant to paragraph (2) for eligible projects under paragraph (3). The Secretary shall provide for State housing finance agencies and other appropriate entities to apply to the Secretary for such project rental assistance funds, which shall be made available by such agencies and entities for dwelling units in eligible projects based upon criteria established by the Secretary for the demonstration program under this subsection. The Secretary may not require any State housing finance agency or other entity applying for project rental assistance funds under the demonstration program to identify in such application the eligible projects for which such funds will be used, and shall allow such agencies and applicants to subsequently identify such eligible projects pursuant to the making of commitments described in paragraph (3)(B).

''(2) PROJECT RENTAL ASSISTANCE.—

''(A) CONTRACT TERMS.—Project rental assistance under the demonstration program under this subsection shall be provided—

''(i) in accordance with subsection (d)(2); and

''(ii) under a contract having an initial term of not less than 180 months that provides funding for a term 60 months, which funding shall be renewed upon expiration, subject to the availability of sufficient amounts in appropriation Acts.

''(B) LIMITATION ON UNITS ASSISTED.—Of the total number of dwelling units in any multifamily housing project containing any unit for which project rental assistance under the demonstration program under this subsection is provided, the aggregate number that are provided such project rental assistance, that are used for supportive housing for persons with disabilities, or to which any occupancy preference for persons with disabilities applies, may not exceed 25 percent of such total.

''(C) PROHIBITION OF CAPITAL ADVANCES.—The Secretary may not provide a capital advance under subsection (d)(1) for any project for which assistance is provided under the demonstration program.

''(D) ELIGIBLE POPULATION.—Project rental assistance under the demonstration program under this subsection may be provided only for dwelling units for extremely low-income persons with disabilities and extremely low-income households that include at least one person with a disability.

''(3) ELIGIBLE PROJECTS.—An eligible project under this paragraph is a new or existing multifamily housing project for which—

''(A) the development costs are paid with resources from other public or private sources; and

''(B) a commitment has been made—

''(i) by the applicable State agency responsible for allocation of low-income housing tax credits under section 42 of the Internal Revenue Code of 1986, for an allocation of such credits;

''(ii) by the applicable participating jurisdiction that receives assistance under the HOME Investment Partnership Act, for assistance from such jurisdiction; or

''(iii) by any Federal agency or any State or local government, for funding for the project from funds from any other sources.

''(4) STATE AGENCY INVOLVEMENT.—Assistance under the demonstration may be provided only for projects for which the applicable State agency responsible for health and human services programs, and the applicable State agency designated to administer or supervise the administration of the State plan for medical assistance under title XIX of the Social Security Act, have entered into such agreements as the Secretary considers appropriate—

''(A) to identify the target populations to be served by the project;

''(B) to set forth methods for outreach and referral; and

''(C) to make available appropriate services for tenants of the project.

''(5) USE REQUIREMENTS.—In the case of any project for which project rental assistance is provided under the demonstration program under this subsection, the dwelling units assisted pursuant to paragraph (2) shall be operated for not less than 30 years as supportive housing for persons with disabilities, in accordance with the application for the project approved by the Secretary, and such dwelling units shall, during such period, be made available for occupancy only by persons and households described in paragraph (2)(D).

''(6) REPORT.—Upon the expiration of the 5-year period beginning on the date of the enactment of the Frank Melville Supportive Housing Investment Act of 2008, the Secretary shall submit to the Congress a report describing the demonstration program under this subsection, analyzing the effectiveness of the program, including the effectiveness of the program compared to the program for capital advances in accordance with subsection (d)(1) (as in effect pursuant to the amendments made by such Act), and making recommendations regarding future models for assistance under this section based upon the experiences under the program.''.

SEC. 5. TECHNICAL CORRECTIONS.

Section 811 is amended—

(1) in subsection (a)—

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

(B) in paragraph (2)—

(i) by striking ''provides'' and inserting ''makes available''; and

(ii) by striking the period at the end and inserting ''; and'' ; and

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

''(3) promotes and facilitates community integration for people with significant and long-term disabilities.'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''special'' and inserting ''housing and community-based services''; and

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

''(A) make available voluntary supportive services that address the individual needs of persons with disabilities occupying such housing;''; and

(ii) in subparagraph (B), by striking the comma and inserting a semicolon;

(3) in subsection (d)(1), by striking ''provided under'' and all that follows through ''shall bear'' and inserting ''provided pursuant to subsection (b)(1) shall bear'';

(4) in subsection (f)—

(A) in paragraph (3)—

(i) in subparagraph (B), by striking ''receive'' and inserting ''be offered'';

(ii) by striking subparagraph (C) and inserting the following:

''(C) evidence of the applicant's experience in—

''(i) providing such supportive services; or

''(ii) creating and managing structured partnerships with service providers for the delivery of appropriate community-based services;'';

(iii) in subparagraph (D), by striking ''such persons'' and all that follows through ''provision of such services'' and inserting ''tenants''; and

(iv) in subparagraph (E), by inserting ''other Federal, and'' before ''State''; and

(B) in paragraph (4), by striking ''special'' and inserting ''housing and community-based services'';

(5) in subsection (g), in paragraph (1) (as so redesignated by section 3(c)(1) of this Act)—

(A) in subparagraph (D) (as so redesignated by section 3(c)(2) of this Act), by striking ''the necessary supportive services will be provided'' and inserting ''appropriate supportive services will be made available''; and

(B) by striking subparagraph (E) (as so redesignated by section 3(c)(2) of this Act) and inserting the following:

''(E) the extent to which the location and design of the proposed project will facilitate the provision of community-based supportive services and address other basic needs of persons with disabilities, including access to appropriate and accessible transportation, access to community services agencies, public facilities, and shopping;'';

(6) in subsection (j)—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively;

(7) in subsection (l) (as so redesignated by section 4(1) of this Act)—

(A) in paragraph (1), by inserting before the period at the end of the first sentence the following: '', which provides a separate bedroom for each tenant of the residence'';

(B) by striking paragraph (2) and inserting the following:

''(2)(A) The term 'person with disabilities' means a person who is 18 years of age or older and less than 62 years of age, who—

''(i) has a disability as defined in section 223 of the Social Security Act;

''(ii) is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which—

''(I) is expected to be of long-continued and indefinite duration;

''(II) substantially impedes his or her ability to live independently; and

''(III) is of such a nature that such ability could be improved by more suitable housing conditions; or

''(iii) has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.

''(B) Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for low-income housing under this title, solely on the basis of any drug or alcohol dependence. The Secretary shall consult with other appropriate Federal agencies to implement the preceding sentence.

''(C) The Secretary shall prescribe such regulations as may be necessary to prevent abuses in determining, under the definitions contained in this paragraph, the eligibility of families and persons for admission to and occupancy of housing assisted under this section. Notwithstanding the preceding provisions of this paragraph, the term 'person with disabilities' includes two or more persons with disabilities living together, one or more such persons living with another person who is determined (under regulations prescribed by the Secretary) to be important to their care or well-being, and the surviving member or members of any household described in subparagraph (A) who were living, in a unit assisted under this section, with the deceased member of the household at the time of his or her death.'';

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

''(3) The term 'supportive housing for persons with disabilities' means dwelling units that—

''(A) are designed to meet the permanent housing needs of very low-income persons with disabilities; and

''(B) are located in housing that make available supportive services that address the individual health, mental health, or other needs of such persons.'';

(D) in paragraph (5), by striking ''a project for''; and

(E) in paragraph (6)—

(i) by inserting after and below subparagraph (D) the matter to be inserted by the amendment made by section 841 of the American Homeownership and Economic Opportunity Act of 2000 (Public Law 106–569; 114 Stat. 3022); and

(ii) in the matter inserted by the amendment made by subparagraph (A) of this paragraph, by striking ''wholly owned and''; and

(8) in subsection (m) (as so redesignated by section 4(1) of this Act)—

(A) in paragraph (2), by striking ''subsection (c)(1)'' and inserting ''subsection (d)(1)''; and

(B) in paragraph (3), by striking ''subsection (c)(2)'' and inserting ''subsection (d)(2)''.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Subsection (n) of section 811 (as so redesignated by section 4(1) of this Act) is amended to read as follows:

''(n) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2008 through 2012 the following amounts:

''(1) CAPITAL ADVANCE/PRAC PROGRAM.—For providing assistance pursuant to subsection (b), such sums as may be necessary.

''(2) DEMONSTRATION PROGRAM.—For carrying out the demonstration program under subsection (k), such sums as may be necessary to provide 2,500 incremental dwelling units under such program in each of fiscal years 2008 and 2009 and 5,000 incremental dwelling units under such program in each of fiscal years 2010, 2011, and 2012.''.

SEC. 7. NEW REGULATIONS AND PROGRAM GUIDANCE.

Not later than the expiration of the 180-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall issue new regulations and guidance for the program under section 811 of the Cranston-Gonzalez National Affordable Housing Act for supportive housing for persons with disabilities to carry out such program in accordance with the amendments made by this Act.

SEC. 8. GAO STUDY.

The Comptroller General of the United States shall conduct a study of the supportive housing for persons with disabilities program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) to determine the adequacy and effectiveness of such program in assisting households of persons with disabilities. Such study shall determine—

(1) the total number of households assisted under such program;

(2) the extent to which households assisted under other programs of the Department of Housing and Urban Development that provide rental assistance or rental housing would be eligible to receive assistance under such section 811 program; and

(3) the extent to which households described in paragraph (2) who are eligible for, but not receiving, assistance under such section 811 program are receiving supportive services from, or assisted by, the Department of Housing and Urban Development other than through the section 811 program (including under the Resident Opportunity and Self-Sufficiency program) or from other sources.

Upon the completion of the study required under this section, the Comptroller General shall submit a report to the Congress setting forth the findings and conclusions of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. MURPHY) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

GENERAL LEAVE

Mr. MURPHY of Connecticut. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

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

There was no objection.

Mr. MURPHY of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the Chamber for its indulgence in allowing us to bring before it today the Frank Melville Supportive Housing Investment Act of 2008, which is a reauthorization and improvement upon the existing section 811 supportive housing statute.

Before I go into very briefly the details and importance of this act, I would just like to thank those that have worked on this bill and this issue, including the chairman of the committee, Chairman FRANK, the chairwoman of the Subcommittee on Housing, Representative WATERS, and especially the Republican cosponsor of this legislation, along with myself, Representative BIGGERT, who has been just a boundless champion for the issue of supportive housing, the issue of compassionate care for those individuals with physical and mental disabilities, and also to Mrs. CAPITO, who has led this committee and this issue so ably.

Mr. Speaker, the 811 program today is the Nation's primary program for funding supportive housing. What is supportive housing? Supportive housing is housing for people with largely mental disability or physical disability, that provides some basic supports around those living arrangements so that those individuals can live independently. Job skills, medication adherence, social work, a small amount of support given to these individuals living with these disabilities can make sure that those individuals can live on their own independently and live full and productive lives. It is a cost-effective and compassionate program that, unfortunately, has not worked as well as it should have in the past several years.

The Department of Housing and Urban Development estimates, Mr. Speaker, that 1.3 million individuals, non-elderly disabled across this country, are low income, living in substandard housing; 1.3 million people, and our 811 program simply hasn't reached enough of them.

Last year, less than 1,000 new units were built around this country with 811 dollars, and, as we heard before the subcommittee, it has taken sometimes 6 years for projects funded with 811 capital dollars to go from the development stage to the completion stage.

□ 1830

That's an unacceptably long amount of time for projects that sometimes only encompass four or six or eight units of housing. This bill sets a, I think, very aggressive but reasonable goal, a tripling over time the number of units constructed in this country with 811 dollars.

How does it do this? Primarily it does this by taking the $87 million right now that are used as vouchers in the 811 program, and transferring those vouchers over to the larger section 8 program. What we have learned is that these vouchers that are supposed to be dedicated to people with disabilities have not been traced sufficiently, and in fact, probably are going to people without disabilities, in many cases.

The section 8 program will do, I think, a much better job, is much better equipped to track those vouchers going forward. We then take that money that has now been freed up through the transition of those vouchers to the section 8 program and use

much of it to fund a new demonstration program that will seek to leverage the capital dollars from coming from the 811 program with low-income tax credits, private dollars and State partnerships.

By doing that, we will be able to take existing, affordable housing projects that are in the planning stages and, with small amounts of rental subsidies, be able to reach out to those developers and essentially make them a deal that we will give them a small rental subsidy if, in exchange, they carve out a small number of units to be supportive housing. This has worked remarkably well in States that have endeavored this program already. North Carolina comes to mind most immediately where, over the last 7 years, 1,200 units of supportive housing have been built, in part, with this strategy put in place.

There are a number of other important improvements to the 811 program in this act, allowing States and State housing agencies to do much of the bureaucratic paperwork involved in these applications, which we believe will greatly expedite the application process, a study which will look into how we can better use dollars in existing housing projects, 202 housing projects, and other affordable housing projects, to get tenants that are living in other affordable housing sites, some basic support services that will help them live independently. It is a vast improvement over the current law, and we hope, as I said, it will potentially triple the number of units built across this country.

This is important. These are some of the country's most vulnerable citizens, who are playing by the rules, doing everything we ask, but simply need a small apartment of help to be able to live independent, productive lives in their community. This is one of the most compassionate things that this Congress can do is to try to extend out that basic building block of society, good, affordable housing to individuals with mental disability, with mental illness and with physical disabilities.

One last note, this bill is entitled the Frank Melville Supportive Housing Investment Act, and it is titled after the late Frank Melville, the founder, along with his wife, Ellen, of the Melville Charitable Trust. This charitable trust that they have built up through their generosity, the Melville family's generosity, has funded housing advocacy and specifically supportive housing advocacy across this country for a number of years. We would not have the housing advocacy community that exists today if it weren't for the generosity of the Melvilles.

Unfortunately, this world lost Frank Melville, who also happened to be a constituent of mine, recently, and this act, I think, is a very appropriate testament to the work that he has done.

I thank, again, Mrs. BIGGERT for her great work over the years on this issue.

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

Mrs. CAPITO. I would like to thank the sponsor of the bill, my colleague from Connecticut.

Mr. Speaker, I would like to yield time now to the cosponsor of the bill, a champion for housing in all forms and fashion, but particularly supportive housing, Mrs. BIGGERT from Illinois.

Mrs. BIGGERT. I thank the gentlelady for yielding.

At this time I would like to submit for the RECORD a letter addressed to Speaker PELOSI from the National Alliance on Mental Illness in support of this legislation.

NATIONAL ALLIANCE ON MENTAL ILLNESS,
Arlington, VA, September 16, 2008.

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

DEAR SPEAKER PELOSI: On behalf of the 210,000 members and 1,200 affiliates of the National Alliance on Mental Illness (NAMI), I am writing to offer our strong support for the Frank Melville Supportive Housing Investment Act of 2008 (H.R. 5772). As the Nation's largest organization representing people with serious mental illness and their families, NAMI is especially grateful to Chairman Barney Frank and the bill's sponsors, Representatives Chris Murphy and Judy Biggert, for their leadership in moving this legislation forward.

As you know, Section 811 is a critical affordable housing resource for non-elderly people with severe disabilities. While the program has been effective in developing permanent supportive housing, improvements are needed. H.R. 5772 will streamline and simplify the existing process by which 811 sponsors compete for new projects. It will also reform Section 811 and create an important demonstration program to allow for investment of new capital resources from programs such as the Low-Income Housing Tax Credit and HOME in supportive housing developments. Finally H.R. 5772 would resolve the current threat to the program from the Section 811 ''mainstream'' voucher program.

NAMI applauds their commitment to improving supportive housing options for people with severe disabilities. Thank you for bringing this legislation to the full House. NAMI urges all members to support passage of H.R. 5772.

Sincerely,

MICHAEL J. FITZPATRICK,
Executive Director.

Mr. Speaker, I am very proud to rise today as the cosponsor of this legislation, and I certainly urge my colleagues to support it.

I would also like to thank my good friend, Congressman MURPHY, who introduced the bill, the Frank Melville Supportive Housing Investment Act of 2008, and thank him for his hard work to modernize the Department of Housing and Urban Development, HUD's section 811 program.

For the past 4 years, this administration has proposed deep cuts to the section 811 program. In response, for the past 4 years we have sent letters to the Appropriations Committee leaders urging them to reject those cuts and fully fund the program.

Why? Because section 811 is the only Federal program that funds housing and vouchers for people with disabilities who seek to live as independent members of the community.

I am pleased to report that for the last 4 years, Congress has agreed to fully fund this important program. This year, we are going beyond the appropriations. We are seeking to modernize the program, which hasn't been updated for over 15 years.

H.R. 5772 is critical to the goal of increasing the number of affordable units for people with disabilities. By better aligning this section 811 program with other Federal, State and local funding resources, it allows nonprofit sponsors to more easily leverage additional financing, thereby maximizing Federal dollars.

By requiring HUD to simplify its more than 400 pages of guidelines, it streamlines the program. In addition, it delegates grant authority to State and local housing authorities, which housing experts agree will make the program more efficient.

Finally, the bill calls for a new demonstration project that is estimated to generate as many as 3,000 new units of housing for nonelderly people with disabilities. The bill we are considering today will make the program more user friendly and attractive to nonprofits.

Before I close, I would like to once again thank my colleague from Connecticut, Congressman MURPHY, for working on this bill. In addition, I would like to thank Chairman FRANK and Ranking Member BACHUS, Chairwoman WATERS and Ranking Member Capito, as well as their staffs, for helping us with this legislation.

Of course, I cannot forget to thank one of my constituents from Tinley Park, Illinois, Tony Paulauski, the executive director of the Arc of Illinois, who testified before our committee about the need for these reforms.

On a similar note, I would also like to thank the wonderful people in Illinois that work for Trinity Services and Cornerstone Services, as well as all of those volunteers, parents and other members of the community who have reached out to express their support for this legislation.

Mr. Speaker, this is a commonsense bill that modernizes an important Federal housing program that hasn't been updated. I urge my colleagues to support it.

Mr. MURPHY of Connecticut. Mr. Speaker, I would like to recognize the gentleman from Massachusetts (Mr. LYNCH) for as much time as he may consume.

Mr. LYNCH. I thank the gentleman from Connecticut for yielding me this time.

Mr. Speaker, I rise in support of H.R. 5772, the Frank Melville Supportive Housing Investment Act of 2008. This is the only HUD permanent supportive housing program that is exclusively for people with disabilities.

I am pleased to support this legislation, which will reform and strengthen section 811 of the Cranston-Gonzalez National Affordable Housing Act. This bill will actually increase efficiency

and better serve eligible disabled persons and, importantly, I think, this bill will streamline the bureaucracy.

Those of us who have tried to assist disabled persons with their housing understand the hoops that one must go through. This bill, I think, through the great work of Congressman MURPHY and others, has solved much of that. But there is much to be said about the improvements to the current rental assistance program and the system for disbursing capital advances, which actually create and maintain affordable units.

Additionally, this bill will require HUD to carry out an important competitive demonstration program to expand the supply of truly supportive housing. I am especially pleased that this bill also authorizes appropriations for that assistance under section 8 in fiscal year 2009.

Having grown up in public housing, I am probably more aware than most of the important role that public housing fills in terms of the needs of our disabled community. This is especially true for our disabled citizens, who have a greater need for housing and facilities that meet their particular disabilities.

I encourage my colleagues to support those most in need in our country by voting for this important bipartisan measure. I must say Mr. MURPHY has been very gracious in recognizing everyone who has been involved here, but I must, in turn, I think, recognize his great involvement and great leadership here.

On behalf of all the families out there, like mine, who have disabled persons, and we recognize the challenges that they deal with every day on a regular basis, I just want to extend our thanks to CHRIS MURPHY, the Congressman from Connecticut, for his great work on this bill.

Mrs. CAPITO. I would like to join in the chorus of support.

Mr. Speaker, as we have heard, the section 811 program provides housing assistance and supportive services for persons with disabilities. I have seen firsthand in my own district the good works that this program provides, and I am sure it is the same for members across the Nation.

The timing of the passage of this legislation is especially significant, as the House just passed the Americans with Disabilities Act amendments earlier today. It is appropriate that we would now consider legislation to improve our housing programs for those with disabilities who choose to live independently.

We have heard a good review, I believe, of the program. We know that it allows persons with disabilities to live independently. I think that's important to emphasize the independent nature of the 811 program. It is also the only Federal program that is solely dedicated to very low-income folks with serious or long-term disabilities. Unfortunately, sometimes those are coupled together because you have a serious or long-term disability, which sometimes prevents you from working, and it puts you into that low or very low-income bracket.

We have talked about some of the revisions, programatic issues and changes that have been made, terminating 811's Mainstream Tenant-Based Rental Assistance Program and transferring those vouchers to section 8, modernizing the Capital Advance Program, establishing a project rental assistance demonstration program and revising the definitions of ''group home,'' ''people with disabilities,'' ''supportive housing for persons with disabilities.''

Also in this bill, we repeal the authority of the Secretary to waive size limitations on group homes and individual living facilities. These improvements to the program will help provide a better life for individuals with disabilities and their families.

The ability to live independently with the assistance of supportive services is critical to improving the lives of the disabled and allowing them to be active participants in their communities.

I join in thanking Chairman FRANK and Ranking Member BACHUS. I would like to particularly thank Mr. MURPHY for his leadership on this issue and Mrs. BIGGERT for her leadership as well.

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

Mr. MURPHY of Connecticut. I thank Mrs. CAPITO and Mrs. BIGGERT for their leadership on this issue.

Just in closing, Mr. Speaker, although this bill will help scores of individuals with physical handicaps, I think, to myself, of how much help this is going to provide the millions of individuals across this country with mental illness that are struggling to live independently.

Years ago, when this country and States across this Nation made the decision, the right decision to close down the institutions that housed many of those individuals, we made a promise that we would find new housing, new opportunities for those individuals to live on their own in the community.

We have not lived up to that promise. In Connecticut, those of us that care about this issue often wear a button around the halls of the State legislature entitled ''Keep the Promise.'' This legislation, I believe, is a step towards doing just that.

With that, I urge my colleagues to support the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 5772, as amended.

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

A motion to reconsider was laid on the table.

NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS REFORM ACT OF 2008

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5611) to reform the National Association of Registered Agents and Brokers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5611

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 ''National Association of Registered Agents and Brokers Reform Act of 2008''.

SEC. 2. REESTABLISHMENT OF THE NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS.

(a) IN GENERAL.—Subtitle C of title III of the Gramm-Leach-Bliley Act (15 U.S.C. 6751 et seq.) is amended to read as follows:

"Subtitle C—National Association of Registered Agents and Brokers

"SEC. 321. NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS.

''(a) ESTABLISHMENT.—There is established the National Association of Registered Agents and Brokers (hereafter in this subtitle referred to as the 'Association').

''(b) STATUS.—The Association shall—

''(1) be a nonprofit corporation;

''(2) have succession until dissolved by an Act of Congress;

''(3) not be an agent or instrumentality of the United States Government; and

''(4) except as otherwise provided in this subtitle, be subject to, and have all the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–301.01 et seq.).

"SEC. 322. PURPOSE.

''The purpose of the Association shall be to provide a mechanism through which licensing, continuing education, and other nonresident insurance producer qualification requirements and conditions can be adopted and applied on a multi-state basis (without affecting the laws, rules, and regulations pertaining to resident insurance producers or appointments or producing a net loss of producer licensing revenues to States), while preserving the right of States to license, supervise, discipline, and establish licensing fees for insurance producers, and to prescribe and enforce laws and regulations with regard to insurance-related consumer protection and unfair trade practices.

"SEC. 323. MEMBERSHIP.

''(a) ELIGIBILITY.—

''(1) IN GENERAL.—Any insurance producer licensed in its home State shall be eligible to become a member in the Association.

''(2) INELIGIBILITY FOR SUSPENSION OR REVOCATION OF LICENSE.—Notwithstanding paragraph (1), a State-licensed insurance producer shall not be eligible to become a member if a State insurance regulator has suspended or revoked such producer's license in that State during the 3-year period preceding the date on which such producer applies for membership.

''(3) RESUMPTION OF ELIGIBILITY.—Paragraph (2) shall cease to apply to any insurance producer if—

''(A) the State insurance regulator renews the license of such producer in the State in

which the license was suspended or revoked; or

''(B) the suspension or revocation is subsequently overturned.

''(4) CRIMINAL BACKGROUND CHECK REQUIRED.—

''(A) IN GENERAL.—A State-licensed insurance producer shall not be eligible to become a member unless the producer has submitted to a national criminal background record check.

''(B) CRIMINAL BACKGROUND CHECK ORDERED BY HOME STATE.—Any insurance producer licensed in a State that, as a condition for such licensure, requires the submission of identification information to the Federal Bureau of Investigation for a national criminal background record check shall be deemed to have submitted to a national criminal background record check for purposes of subparagraph (A).

''(C) CRIMINAL HISTORY CHECK ORDERED BY ASSOCIATION.—

''(i) IN GENERAL.—The Association may submit identification information obtained from any State-licensed insurance producer licensed in a State that has not submitted to a national criminal background record check, and a request for a national criminal background record check of such producer, to the Federal Bureau of Investigation.

''(ii) BYLAWS OR RULES.—The board of directors of the Association shall prescribe bylaws or rules for obtaining and utilizing identification information and criminal background record information, including the establishment of fees required to perform a criminal background record check.

''(D) ATTORNEY GENERAL AUTHORIZATION.—Upon receiving a request from the Association, the Attorney General shall—

''(i) search the records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation, and any other similar database over which the Attorney General has authority and deems appropriate, for any criminal background records (including wanted persons information) corresponding to the identification information provided under subparagraph (F); and

''(ii) provide any relevant information contained in such records that pertain to the request directly to the Association.

''(E) RELEVANT INFORMATION DEFINED.—For purposes of subparagraph (D)(ii), the term 'relevant information' means any of the following records:

''(i) All felony convictions.

''(ii) All misdemeanor convictions involving—

''(I) violation of a law involving financial activities;

''(II) dishonesty or breach of trust, within the meaning of section 1033 of title 18, United States Code, including taking, withholding, misappropriating, or converting money or property;

''(III) failure to comply with child support obligations;

''(IV) failure to pay taxes; and

''(V) domestic violence, child abuse, burglary of a dwelling, or a criminal offense that has as an element the use or attempted use of physical force, or threat of great bodily harm, or the use, attempted use, or threatened use of a deadly weapon, against an individual, including committing or attempting to commit murder, manslaughter, kidnapping, aggravated assault, forcible sex offenses, robbery, arson, extortion, and extortionate extension of credit.

''(F) FORM OF REQUEST.—A request under subparagraph (C) shall include a copy of any necessary identification information required by the Attorney General concerning the person about whom the record is requested and a statement signed by the person acknowledging that the Association may request the search.

''(G) LIMITATION ON PERMISSIBLE USES OF INFORMATION.—Information obtained under this section may—

''(i) be used only for regulatory or law enforcement purposes or for purposes of determining compliance with membership criteria established by the Association;

''(ii) be disclosed only to the Association, State insurance regulators, or Federal or State law enforcement agencies; and

''(iii) be disclosed only if the recipient agrees to—

''(I) maintain the confidentiality of such information; and

''(II) limit the use of such information to the purposes described in clause (i).

''(H) PENALTY FOR IMPROPER USE.—Whoever uses any information obtained under this section knowingly and willfully for an unauthorized purpose shall be fined under title 18, United States Code, imprisoned for not more than 2 years, or both.

''(I) RELIANCE ON INFORMATION.—Neither the Association nor any of its directors, officers, or employees who reasonably rely on information provided under this section shall be liable in any action for using information as permitted under this section in good faith.

''(J) CLARIFICATION OF SECTION 1033.—

''(i) IN GENERAL.—With respect to any action brought under section 1033(e)(1)(B) of title 18, United States Code, no person engaged in the business of conducting financial activities shall be subject to any penalty resulting from such section if the individual whom the person permitted to engage in the business of insurance is a member of the Association or is licensed, or approved (as part of an application or otherwise), by a State insurance regulator that performs criminal background checks under this section, unless such person knows that the individual is in violation of section 1033(e)(1)(A) of such title.

''(ii) FINANCIAL ACTIVITIES DEFINED.—For purposes of this subparagraph, the term 'financial activities'—

''(I) means banking activities (including the ownership of a bank), securities activities, insurance activities, or commodities activities; and

''(II) includes all activities that are financial in nature or are incidental to a financial activity (as defined under section 4(k) of the Bank Holding Company Act of 1956).

''(K) FEES.—The Attorney General may charge a reasonable fee for the provision of information under this paragraph.

''(L) RULE OF CONSTRUCTION.—No provision of this paragraph shall be construed as—

''(i) requiring a State insurance regulator to perform criminal background checks under this section; or

''(ii) superseding or otherwise limiting any other authority that allows access to criminal background records.

''(M) REGULATIONS.—The Attorney General may prescribe regulations to carry out this paragraph.

''(N) INELIGIBILITY FOR MEMBERSHIP.—The Association may deny membership to any State-licensed insurance producer on the basis of criminal history information obtained pursuant to subparagraph (D).

''(b) AUTHORITY TO ESTABLISH MEMBERSHIP CRITERIA.—The Association may establish membership criteria that—

''(1) bear a reasonable relationship to the purposes for which the Association was established; and

''(2) do not unfairly limit the access of smaller agencies to the Association membership, including imposing discriminatory membership fees on smaller insurance producers.

''(c) ESTABLISHMENT OF CLASSES AND CATEGORIES OF MEMBERSHIP.—

''(1) CLASSES OF MEMBERSHIP.—The Association may establish separate classes of membership, with separate criteria, if the Association reasonably determines that performance of different duties requires different levels of education, training, experience, or other qualifications.

''(2) CATEGORIES.—

''(A) SEPARATE CATEGORIES FOR PRODUCERS PERMITTED.—The Association may establish separate categories of membership for producers and for other persons within each class, based on the types of licensing categories that exist under State laws.

''(B) SEPARATE TREATMENT FOR DEPOSITORY INSTITUTIONS PROHIBITED.—No special categories of membership, and no distinct membership criteria, shall be established for members which are depository institutions or for employees, agents, or affiliates of depository institutions.

''(d) MEMBERSHIP CRITERIA.—

''(1) IN GENERAL.—The Association may establish criteria for membership which shall include standards for personal qualifications, education, training, and experience.

''(2) QUALIFICATIONS.—In establishing criteria under paragraph (1), the Association shall consider the NAIC Producer Licensing Model Act and the highest levels of insurance producer qualifications established under the licensing laws of the States.

''(3) ASSISTANCE FROM STATES.—

''(A) IN GENERAL.—The Association may request a State to provide assistance in investigating and evaluating a prospective member's eligibility for membership in the Association.

''(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as requiring or authorizing any State to adopt new or additional requirements concerning the licensing or evaluation of insurance producers.

''(4) DENIAL OF MEMBERSHIP.—The Association may deny membership to any State-licensed insurance producer for failure to meet the membership criteria established by the Association.

''(e) EFFECT OF MEMBERSHIP.—

''(1) AUTHORITY OF ASSOCIATION MEMBERS.—Membership in the Association shall—

''(A) authorize an insurance producer to sell, solicit, negotiate, effect, procure, deliver, renew, continue, or bind insurance in any State for which the member pays the licensing fee set by such State for any line or lines of insurance specified in such producer's home State license, and exercise all such incidental powers, as shall be necessary to carry out such activities, including claims adjustments and settlement, risk management, employee benefits advice, retirement planning, and any other insurance-related consulting activities;

''(B) be the equivalent of a nonresident insurance producer license issued in any state where the member pays the licensing fee; and

''(C) subject an insurance producer to all laws, regulations, provisions or other action of any State concerning revocation or suspension of a member's ability to engage in any activity within the scope of authority granted under this subsection and to all state laws, regulations, provisions and actions preserved under paragraph (4).

''(2) DUPLICATIVE LICENSES.—No State, other than the member's home State, may require an individual member to obtain a business entity license or membership in order to engage in any activity within the scope of authority granted in paragraph (1) or in order for the member or any employer, employee, or affiliate of the member to receive compensation for the member's performance of any such activity.

''(3) AGENT FOR REMITTING FEES.—The Association shall act as any member's agent for

purposes of remitting licensing fees to any State pursuant to paragraph (1).

''(4) PRESERVATION OF STATE CONSUMER PROTECTION AND MARKET CONDUCT REGULATION.—No provision of this section shall be construed as altering or affecting the continuing effectiveness of any law, regulation, provision, or other action of any State which purports to regulate market conduct or unfair trade practices or establish consumer protections to the extent that such law, regulation, provision, or other action is not inconsistent with the provisions of this subtitle, and then only to the extent of such inconsistency.

''(f) BIENNIAL RENEWAL.—Membership in the Association shall be renewed on a biennial basis.

''(g) CONTINUING EDUCATION.—

''(1) IN GENERAL.—The Association shall establish, as a condition of membership, continuing education requirements which shall be comparable to the continuing education requirements under the licensing laws of a majority of the States.

''(2) STATE CONTINUING EDUCATION REQUIREMENTS.—A member may not be required to satisfy continuing education requirements imposed under the laws, regulations, provisions, or actions of any State other than such member's home State.

''(3) RECIPROCITY.—The Association shall not require a member to satisfy continuing education requirements that are equivalent to any continuing education requirements of the member's home State that have been satisfied by the member during the applicable licensing period.

''(4) LIMITATION ON ASSOCIATION.—The Association shall not directly or indirectly offer any continuing education courses for insurance producers.

''(h) PROBATION, SUSPENSION AND REVOCATION.—The Association may place an insurance producer that is a member of the Association on probation or suspend or revoke such producer's membership in the Association, as the Association determines to be appropriate, if—

''(1) the producer fails to meet the applicable membership criteria of the Association; or

''(2) the producer has been subject to disciplinary action pursuant to a final adjudicatory proceeding under the jurisdiction of a State insurance regulator.

''(i) OFFICE OF CONSUMER COMPLAINTS.—

''(1) IN GENERAL.—The Association shall establish an office of consumer complaints that shall—

''(A) receive and, when appropriate, investigate complaints from both consumers and State insurance regulators related to members of the Association;

''(B) maintain records of all complaints received in accordance with subparagraph (A) and make such records available to the National Association of Insurance Commissioners (hereinafter in this subtitle referred to as the 'NAIC') and to each State insurance regulator for the State of residence of the consumer who filed the complaint; and

''(C) refer, when appropriate, any such complaint to any appropriate State insurance regulator.

''(2) TELEPHONE AND OTHER ACCESS.—The office of consumer complaints shall maintain a toll-free telephone number for the purpose of this subsection and, as practicable, other alternative means of communication with consumers, such as an Internet web page.

''SEC. 324. BOARD OF DIRECTORS.

''(a) ESTABLISHMENT.—There is established the board of directors of the Association (hereafter in this subtitle referred to as the 'Board') for the purpose of governing and supervising the activities of the Association and the members of the Association.

''(b) POWERS.—

''(1) IN GENERAL.—The Board shall have such powers and authority as may be specified in the bylaws of the Association.

''(2) QUORUM REQUIRED.—All decisions of the Board shall require an affirmative vote of a simple majority of Board members.

''(c) COMPOSITION.—

''(1) IN GENERAL.—The Board shall be composed of 11 members, of whom—

''(A) 6 shall be State insurance commissioners appointed in the manner provided in paragraph (2), and

''(B) 5 shall be insurance industry representatives appointed in the manner provided in paragraph (3).

''(2) MEMBERS APPOINTED BY THE NAIC.—

''(A) IN GENERAL.—The NAIC shall appoint 1 member of the Board from among State insurance commissioners in each of the following 3 categories of States:

''(i) The 18 States with the smallest total direct written premiums from all insurance policies written in such States.

''(ii) The 18 States with the largest total direct written premiums from all insurance policies written in such States.

''(iii) The States that are not among the States described in clauses (i) and (ii).

''(B) AT-LARGE MEMBERS.—The NAIC shall appoint 3 Board members pursuant to criteria established by the NAIC's membership.

''(3) MEMBERS APPOINTED BY INSURANCE TRADE ASSOCIATIONS.—

''(A) INSURANCE PRODUCER REPRESENTATIVES.—3 of the 5 members who are insurance industry representatives shall be appointed as follows by the following trade associations or their successor organizations:

''(i) 1 member appointed by the Council of Insurance Agents and Brokers from among representatives of such association.

''(ii) 1 member appointed by the Independent Insurance Agents and Brokers of America from among representatives of such association.

''(iii) 1 member appointed by the National Association of Insurance and Financial Advisors from among representatives of such association.

''(B) PROPERTY AND CASUALTY INSURER REPRESENTATIVE.—1 of the 5 members who are insurance industry representatives shall be appointed by the American Insurance Association, the National Association of Mutual Insurance Companies, and the Property and Casualty Insurers Association of America from among representatives of each such association, on a rotating basis.

''(C) LIFE AND HEALTH INSURER REPRESENTATIVE.—1 of the 5 members who are insurance industry representatives shall be appointed by the American Council of Life Insurers and the Association of Health Insurance Plans from among representatives of each such association, on a rotating basis.

''(4) ALTERNATE APPOINTMENT.—

''(A) IN GENERAL.—If the NAIC or a nominating group of insurance trade associations fails to make appointments to the Board as required under paragraph (2) or (3), the President shall appoint such members of the Association's Board from lists of candidates provided by the NAIC, in the case of a member described in paragraph (2) or the nominating group of insurance trade associations pursuant to the relevant subparagraph of paragraph (3), in the case of a member described in any such subparagraph.

''(B) PROCEDURES FOR OBTAINING NAIC APPOINTMENT RECOMMENDATIONS.—

''(i) PRESIDENTIAL APPOINTMENT FROM LIST.—If the NAIC fails to appoint members of the Board as provided under subparagraph (A) or (B) of paragraph (2) within 60 days after the date of the enactment of the National Association of Registered Agents and Brokers Reform Act of 2008, the President shall, with the advice and consent of the Senate, appoint 6 members to the Board who are current State insurance commissioners in accordance with the requirements of subparagraphs (A) and (B) of paragraph (2) from a list of candidates recommended to the President by the NAIC.

''(ii) PRESIDENTIAL APPOINTMENT WITHOUT A LIST.—If the NAIC fails to provide a list within 90 days after the date of the enactment of the National Association of Registered Agents and Brokers Reform Act of 2008, or if any list that is provided does not include at least 10 recommended candidates or comply with the requirements of paragraph (2), the President shall, with the advice and consent of the Senate, appoint 6 members to the Board without considering the views of the NAIC, in accordance with requirements of paragraph (2).

''(C) PROCEDURES FOR OBTAINING INSURANCE TRADE ASSOCIATION GROUP APPOINTMENT RECOMMENDATIONS.—

''(i) PRESIDENTIAL APPOINTMENT FROM LIST.—If any group of nominating insurance trade associations identified under subparagraph (A), (B), or (C) of paragraph (3) fails to appoint members of the Board as provided under such subparagraph within 60 days after the date of the enactment of the National Association of Registered Agents and Brokers Reform Act of 2008, the President shall, with the advice and consent of the Senate, make the requisite appointments pursuant to each such subparagraph from a list of candidates recommended to the President by such group.

''(ii) PRESIDENTIAL APPOINTMENT WITHOUT A LIST.—If the nominating group of insurance trade associations identified under subparagraph (A), (B), or (C) of paragraph (3) fails to provide a list within 90 days after date of the enactment of the National Association of Registered Agents and Brokers Reform Act of 2008, or if any list that is provided does not comply with the requirements of the subparagraph, the President shall, with the advice and consent of the Senate, make the requisite appointments without considering the views of such group.

''(iii) LIST OF RECOMMENDATIONS.—Any list of recommended candidates provided to the President by a nominating group of insurance trade associations identified under subparagraph (A), (B), or (C) of paragraph (3) shall include—

''(I) at least 2 recommended candidates from each association identified under paragraph (3)(A);

''(II) at least 2 recommended candidates, in the case of associations identified under paragraph (3)(B); and

''(III) at least 2 recommended candidates, in the case of associations identified under paragraph (3)(C).

''(D) ALTERNATE APPOINTMENT OF STATE INSURANCE COMMISSIONERS.—If fewer than 6 State insurance commissioners accept appointment to the Board pursuant to subparagraph (B), the President, with the advice and consent of the Senate, may appoint the remaining State insurance commissioner members of the Board from among individuals who are current or former State insurance commissioners, to the extent that—

''(i) any former insurance commissioner appointed by the President shall not be employed by or have a present direct or indirect financial interest in any insurer or other entity in the insurance industry other than direct or indirect ownership of, or beneficial interest in, any insurance policy or annuity contract written or sold by an insurer; and

''(ii) not more than 3 members appointed to membership on the Board under this subparagraph belong to the same political party as the President.

''(5) STATE INSURANCE COMMISSIONER DEFINED.—For purposes of this subsection, the term 'State insurance commissioner' means a person who serves in the position in State government, or on the board, commission, or other body that is the principal insurance regulatory authority for the State.

''(d) TERMS.—

''(1) IN GENERAL.—The term of each Board member shall, after the initial appointment of the members of the Board, be for 2 years, with ½ of the members to be appointed each year and divided as evenly as possible between members appointed under paragraphs (2) and (3) of subsection (c).

''(2) LIMITATION ON SUCCESSIVE TERMS.—Only Board members appointed under subsections (c)(2) and (c)(3)(A) may be re-appointed for an additional term.

''(e) BOARD VACANCIES.—

''(1) IN GENERAL.—Any vacancy on the board of directors shall be filled as provided under subparagraph (A) or (B) of paragraph (2), and any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

''(2) ALTERNATE APPOINTMENT.—If the NAIC or a nominating group of trade associations fails to appoint a member to the Board to fill a vacancy within 60 days from the date that such vacancy occurs, the President shall, with the advice and consent of the Senate, make the requisite appointment pursuant to the procedures established under the applicable subparagraph of subsection (c)(4).

''(f) MEETINGS.—The Board shall meet at the call of the chairperson, or as otherwise provided by the bylaws of the Association.

''SEC. 325. OFFICERS.

''(a) POSITIONS.—The officers of the Association shall consist of a chairperson and a vice chairperson of the Board, an executive director, secretary, and treasurer of the Association, and such other officers and assistant officers as may be deemed necessary.

''(b) MANNER OF SELECTION.—Each officer of the Board and the Association shall be elected or appointed at such time, in such manner, and for such terms as may be prescribed in the bylaws of the Association.

''SEC. 326. BYLAWS, RULES, AND DISCIPLINARY ACTION.

''(a) ADOPTION AND AMENDMENT OF BYLAWS.—

''(1) COPY REQUIRED TO BE FILED.—The board of directors of the Association shall submit to the President, the Congress, and the NAIC any proposed bylaw or rules of the Association or any proposed amendment to the bylaws or rules, accompanied by a concise general statement of the basis and purpose of such proposal.

''(2) EFFECTIVE DATE.—Any proposed bylaw or rule or proposed amendment to the bylaws or rules shall take effect, after notice published in an insurance trade journal and opportunity for comment, upon such date as the Association may designate.

''(b) DISCIPLINARY ACTION BY THE ASSOCIATION.—

''(1) SPECIFICATION OF CHARGES.—In any proceeding to determine whether membership shall be denied, suspended, revoked, or not renewed (hereafter in this section referred to as a 'disciplinary action') or to determine whether a member of the Association should be placed on probation, the Association shall bring specific charges, notify such member of such charges, give the member an opportunity to defend against the charges, and keep a record.

''(2) SUPPORTING STATEMENT.—A determination to take disciplinary action shall be supported by a statement setting forth—

''(A) any act or practice in which such member has been found to have been engaged;

''(B) the specific provision of this subtitle, the rules or regulations under this subtitle, or the rules of the Association which any such act or practice is deemed to violate; and

''(C) the sanction imposed and the reason for such sanction.

''SEC. 327. POWERS.

''In addition to all the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act, the Association shall have the following powers:

''(1) To establish and collect such membership fees as the Association finds necessary to impose to cover the costs of its operations.

''(2) To adopt, amend, and repeal bylaws and rules governing the conduct of Association business and performance of its duties.

''(3) To establish procedures for providing notice and opportunity for comment pursuant to section 326(a).

''(4) To enter into and perform such agreements as necessary to carry out its duties.

''(5) To hire employees, professionals or specialists, and elect or appoint officers, and to fix their compensation, define their duties and give them appropriate authority to carry out the purposes of this subtitle, and determine their qualification; and to establish the Association's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation. and qualifications of personnel.

''(6) To borrow money.

''(7) To assess board member organizations and associations fees for such amounts that the Association determines to be necessary and appropriate to organize and begin operations of the Association, which shall be treated as loans to be repaid by the Association with interest at market rate.

''SEC. 328. REPORT BY ASSOCIATION.

''(a) IN GENERAL.—As soon as practicable after the close of each fiscal year, the Association shall submit to the President, the Congress, and the NAIC a written report regarding the conduct of its business, and the exercise of the other rights and powers granted by this subtitle, during such fiscal year.

''(b) FINANCIAL STATEMENTS.—Each report submitted under subsection (a) with respect to any fiscal year shall include financial statements setting forth the financial position of the Association at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year.

''SEC. 329. LIABILITY OF THE ASSOCIATION AND THE DIRECTORS, OFFICERS, AND EMPLOYEES OF THE ASSOCIATION.

''(a) IN GENERAL.—The Association shall not be deemed to be an insurer or insurance producer within the meaning of any State law, rule, regulation, or order regulating or taxing insurers, insurance producers, or other entities engaged in the business of insurance, including provisions imposing premium taxes, regulating insurer solvency or financial condition, establishing guaranty funds and levying assessments, or requiring claims settlement practices.

''(b) LIABILITY OF THE ASSOCIATION, ITS DIRECTORS, OFFICERS, AND EMPLOYEES.—Neither the Association nor any of its directors, officers, or employees shall have any liability to any person for any action taken or omitted in good faith under or in connection with any matter subject to this subtitle.

''SEC. 330. PRESIDENTIAL REVIEW.

''(a) REMOVAL.—If the President determines and certifies to the Speaker of the House, the House Minority Leader, the Senate Majority Leader and the Senate Minority Leader that the Association is acting in a manner contrary to the purposes of this subtitle or has failed to perform its duties under this subtitle, the President may remove the entire existing Board for the remainder of the term to which the members of the Board were appointed and appoint, in accordance with section 324(c)(4) with the advice and consent of the Senate, new members to fill the vacancies on the Board for the remainder of such terms.

''(b) SUSPENSION OF RULES OR ACTIONS.—The President, or a person designated by the President for such purpose, may suspend the effectiveness of any rule, or prohibit any action, of the Association which the President or the designee determines and certifies to the Speaker of the House, the House minority leader, the Senate majority leader, and the Senate minority leader is contrary to the purposes of this subtitle.

''SEC. 331. RELATIONSHIP TO STATE LAW.

''(a) PREEMPTION OF STATE LAWS.—State laws, regulations, provisions, or other actions purporting to regulate insurance producers shall be preempted to the extent provided in subsection (b).

''(b) PROHIBITED ACTIONS.—

''(1) IN GENERAL.—No State shall—

''(A) impede the activities of, take any action against, or apply any provision of law or regulation to, any insurance producer because that insurance producer or any affiliate plans to become, has applied to become, or is a member of the Association;

''(B) impose any requirement upon a member of the Association that it pay fees different from those required to be paid to that State were it not a member of the Association;

''(C) impose any continuing education requirements on nonresident insurance producers; or

''(D) impose any licensing, registration, or appointment requirements upon any nonresident insurance producer that sells, solicits, negotiates, effects, procures, delivers, renews, continues, or binds insurance for commercial property and casualty risks to an insured with risks located in more than 1 State, provided that such nonresident insurance producer is otherwise licensed as an insurance producer in the State where the insured maintains its principal place of business and the contract of insurance insures risks located in that State.

''(2) STATES OTHER THAN A HOME STATE.—No State, other than a member's home State, shall—

''(A) impose any licensing, integrity, personal or corporate qualifications, education, training, experience, residency, continuing education, or bonding requirement upon a member of the Association that is different from the criteria for membership in the Association or renewal of such membership;

''(B) impose any requirement upon a member of the Association that it be licensed, registered, or otherwise qualified to do business or remain in good standing in such State, including any requirement that such insurance producer register as a foreign company with the secretary of state or equivalent State official; or

''(C) require that a member of the Association submit to a criminal history record check as a condition of doing business in such State.

''SEC. 332. COORDINATION WITH OTHER REGULATORS.

''(a) COORDINATION WITH STATE INSURANCE REGULATORS.—The Association may—

''(1) establish a central clearinghouse, or utilize the NAIC or any other entity as a central clearinghouse, through which members of the Association may pursuant to section 323(e) disclose their intent to operate in

1 or more States and pay the licensing fees to the appropriate States; and

''(2) establish a national database for the collection of regulatory information concerning the activities of insurance producers or contract with the NAIC or any other entity to utilize such a database.

''(b) COORDINATION WITH THE FINANCIAL INDUSTRY REGULATORY AUTHORITY.—The Association shall coordinate with the Financial Industry Regulatory Authority in order to ease any administrative burdens that fall on persons that are members of both associations, consistent with the purposes of this subtitle and the Federal securities laws.

''SEC. 333. JUDICIAL REVIEW AND ENFORCEMENT.

''(a) JURISDICTION.—The appropriate United States district court shall have exclusive jurisdiction over litigation to which the Association is a party or any matter arising under this subtitle, including disputes between the Association and its members that arise under this subtitle, subject to chapter 7 of title 5, United States Code.

''(b) EXHAUSTION OF REMEDIES.—An aggrieved person shall be required to exhaust all available administrative remedies before the Association before it may seek judicial review of an Association decision.

''(c) EQUAL WEIGHT AND DEFERENCE.—In any other proceeding involving this subtitle, the court shall give at least equal weight and deference to the interpretations of the Association as would be given to any State or Federal agency with respect to any law, regulation, interpretation, or order addressing the same issues.

''SEC. 334. DEFINITIONS.

''For purposes of this subtitle, the following definitions shall apply:

''(1) HOME STATE.—The term 'home State' means the State in which the insurance producer maintains its principal place of residence or business and is licensed to act as an insurance producer.

''(2) INSURANCE.—The term 'insurance' means any product, other than title insurance, defined or regulated as insurance by the appropriate State insurance regulatory authority.

''(3) INSURANCE PRODUCER.—The term 'insurance producer' means any insurance agent or broker, excess or surplus lines broker or agent, insurance consultant, limited insurance representative, and any other individual or entity that solicits, negotiates, effects, procures, delivers, renews, continues or binds policies of insurance or offers advice, counsel, opinions or services related to insurance.

''(4) STATE.—The term 'State' includes any State, the District of Columbia, any territory of the United States, and Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

''(5) STATE LAW.—

''(A) IN GENERAL.—The term 'State law' includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State.

''(B) LAWS APPLICABLE IN THE DISTRICT OF COLUMBIA.—A law of the United States applicable only to or within the District of Columbia shall be treated as a State law rather than a law of the United States.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Gramm-Leach-Bliley Act is amended by striking the items relating to subtitle C of title III and inserting the following new items:

''Subtitle C—National Association of Registered Agents and Brokers

''Sec. 321. National association of registered agents and brokers.
''Sec. 322. Purpose.
''Sec. 323. Membership.
''Sec. 324. Board of directors.
''Sec. 325. Officers.
''Sec. 326. Bylaws, rules, and disciplinary action.
''Sec. 327. Powers.
''Sec. 328. Report by association.
''Sec. 329. Liability of the association and the directors, officers, and employees of the association.
''Sec. 330. Presidential review.
''Sec. 331. Relationship to state law.
''Sec. 332. Coordination with other regulators.
''Sec. 333. Judicial review and enforcement.
''Sec. 334. Definitions.''.

□ 1845

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentleman from Kentucky (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

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

First, I want to thank Chairman KANJORSKI of the Capital Markets Subcommittee, as well as Chairman FRANK, for working with us and allowing H.R. 5611, the National Association of Registered Agents and Brokers Reform Act, to be considered today. This is, indeed, an important piece of legislation.

I was pleased to introduce this bill, along with my good friend, the gentleman from Kentucky (Mr. DAVIS), as insurance regulatory reform is an issue many involved agree requires action. It, indeed, has been a pleasure to work with Representative DAVIS on this, who is one of my distinguished colleagues on the Committee on Financial Services. We both believe that this bill is a good starting point for leveling the playing field for insurance agents and brokers.

Never before, Mr. Speaker, have we really seen the significance and importance of the financial services industry as we are seeing it today. There are so many, many, many pieces that need to be reformed and looked at and improved upon, and this legislation happens to be one of those pieces.

H.R. 5611 will simply establish the National Association of Registered Agents and Brokers, which we refer to as NARAB, to provide for nonresident insurance agent and broker licensing while preserving the rights of States to supervise and discipline insurance agents and brokers. The legislation will further benefit consumers through increased competition among agents and brokers, leading to greater consumer choice.

This legislation is straightforward. Insurance agents and brokers who are licensed in good standing in their home States can apply for membership in the National Association for Registered Agents and Brokers, NARAB, which will allow them to operate in multiple States. This is very much needed. Membership will be voluntary and not affecting the rights of a nonmember producer under any State license, respecting the sanctity of the State. This legislation will benefit policyholders by increasing marketplace competition and consumer choice by enabling insurance producers to more quickly and responsibly serve the needs of the consumer.

A private, nonprofit NARAB entity consisting of State insurance regulators and marketplace representatives will serve as a portal for agents and brokers to obtain nonresident licenses in additional States. This is provided that they pay the required State nonlicensing fees and meet the NARAB standards for membership.

This bill would also establish membership criteria which would include standards for personal qualifications, education, training and experience; and further, member applicants must be required to undergo a national criminal background check. And, to be very clear, NARAB would not, I repeat, would not be part of nor report to any Federal agency and would not have any Federal regulatory power. This is being done to streamline and bring greater efficiency and greater choice to consumers.

Federal legislation is needed to ensure a reciprocal licensing process for insurance agents and brokers, and Congress already endorsed this concept when we passed the Gramm-Leach-Bliley Act in 1999. The Gramm-Leach-Bliley Act would have created NARAB if a number of States had not reached a certain number of licensing reciprocity, and although enough reciprocity was provided to avoid the creation of NARAB, it has been brought to my attention and to Mr. DAVIS' attention by agents across this country that there is a frustration over incomplete insurance licensing reciprocity, and this legislation addresses that important fact. It is abundantly clear that the bar was not set high enough in Gramm-Leach-Bliley, thus the reason behind this important legislation that we are considering today. We, my colleague, Mr. DAVIS and I, are simply working to ensure an updated version of NARAB.

I believe the increased competition among agents and brokers this bill would create will be beneficial to all, and on all accounts, be more fair; and, in addition, lead to greater consumer choice. Mr. Speaker, this is what is important. The bottom line, it is the benefit to the consumer.

As more and more agents operate across State lines, this problem of reciprocity has become worse, and it has become apparent to us that true nonresident licensing reform for insurance

agents could only really be achieved through legislation at the Federal level. That is why this Congress is acting today.

The NARAB Reform Act that we are looking at today has garnered support from both sides of the aisle, both Democrats and Republicans, with 48 bipartisan cosponsors, and 27 of these cosponsors are Members serving on the Financial Services Committee.

Again, I was very much pleased to work with the gentleman from Kentucky (Mr. DAVIS) on this legislation which again narrowly targets only the area where there is a problem. We have gone in with a laser beam and simply targeted where there is a problem to fix, and we have done that.

Our manager's amendment was recently endorsed by the NAIC, showing that the State insurance regulators believe that this type of legislation is badly needed reform. Other groups that support this bill include the Independent Insurance Agents and Brokers of America, the IIABA; the National Association of Insurance and Financial Advisers, the NAIFA; the National Association of Mutual Insurance Companies, the NAMIC; the Property Casualty Insurers Association of America, PCI; and the Council of Insurance Agents and Brokers, the CIAB; as well as a number of individual insurance companies.

As talks continue on this issue, we are very hopeful for the expansion of our regulatory board to include PIA, the National Association of Professional Insurance Agents. This has been a very inclusive process, Mr. Speaker, working in a very much needed area to bring a greater degree of consumer choice and benefits to the American consumer of insurance products.

I am proud to have the opportunity again to work along with my colleagues on the Financial Services Committee and Mr. DAVIS on this important legislation. And to close, I would just simply urge all of my fellow Members to support H.R. 5611.

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

Mr. DAVIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5611, the National Association of Registered Agents and Brokers Reform Act, or NARAB II.

First, I would like to commend my friend, DAVID SCOTT. We come from two different parties, but a common background in the business community, in the small business community, understanding the issues that business people deal with on a daily basis, and crossing multiple regulatory frameworks dealing with multiple States.

My experience has led to my support and working to develop this bill and to get it passed tonight and hopefully signed into law before the end of year. It was based on my experience as a small business owner, not as an agent, but as a business owner who had employees in several different States, and suddenly found when I reached out to a good friend of mine who was an agent himself that he had to deal with several different agents. It suddenly became very complicated and very costly from a time standpoint. It was inefficient and not cost effective at all for any of us to get these different plans to fit the needs and in compliance with each State.

After I came to Congress, with that experience in the back of my mind, I also heard from many, many agents in the insurance industry, and many small business owners who encountered situations like I had sitting astride the nexus of three States.

Insurance reform has been the subject of discussion for many years now. There are many different perspectives on it. What DAVID and I have tried to do through this bill, and our staffs, is to simply solve a process problem that allows people to work together more effectively. To me, this is the height of bipartisanism at its best. We are working to common cause, to fix a process that helps our citizens across the country.

I am very pleased to see this meaningful and targeted reform measure make it to the floor today after over a year of work. NARAB II goes straight to the heart of the difficulties that insurance agents and brokers, and small business owners who are their customers, face on a daily basis as they try to navigate this web of State licensing requirements.

The Gramm-Leach-Bliley Act would have created the original NARAB system in the event that the States did not satisfy the producer licensing reform objectives outlined in the underlying bill. Ultimately, the States were perceived to have achieved a specified level of licensing reciprocity, and NARAB was never created. Thus, the problem remained.

Nearly 10 years since the passage of Gramm-Leach-Bliley, we are still in need of progress on this issue. H.R. 5611 mandates the creation of NARAB. The board's purposes and function will be generally the same as the provisions of Gramm-Leach-Bliley. In short, agents and brokers licensed in good standing in their home State and meeting NARAB-member criteria will be able to join NARAB. Members will pay the appropriate fees required by each State in which they are licensed, and so this will not eliminate any revenue States currently generate from licensing. NARAB would not have any Federal regulatory authority, an important point that my friend from Georgia highlighted during his remarks as well. This is not an expansion of the Federal bureaucracy, it is a correction to allow the private sector to continue to grow business and create jobs.

I would like to think of NARAB as a stamp of approval for an insurance agent acknowledged and accepted nationwide.

I appreciate the hard work, expertise and advice from all of the insurance industry groups in helping us to come to compromise on H.R. 5611. In particular, the NAIC has been an invaluable source of knowledge, and I appreciate their substantive suggestions for ways we can improve the bill.

We made sure that the State insurance commissioners had a voice in the shaping of this legislation to ensure that State rights were protected, and at the same time we were able to address a direct issue that was affecting these brokers and small business customers.

H.R. 5611 takes a significant step toward improving the way our insurance markets operate within the existing State-based system. I would like to thank in particular Chairman FRANK, Ranking Member BACHUS, Chairman KANJORSKI, and Ranking Member PRYCE for their leadership on the important issue of insurance reform and for their support of this bill that Mr. SCOTT and I introduced.

Lastly, I want to thank my good friend, DAVID SCOTT, for his work and also his staff, Michael Andel and Tammy McAthey, and my legislative director, Lauren O'Brien, who have worked long and hard to bring this to pass. This has been a great piece of legislation. I urge support for the bill.

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

□ 1900

Mr. SCOTT of Georgia. Mr. Speaker, in conclusion, I just want to again echo my sentiments, and appreciate the fine work that Mr. DAVIS has done on this. It's been a pleasure working with him and the full committee and all of our staffs combined and working with the insurance industry itself and especially our agents to make their work smoother and to pass a bill that is very forward-looking to improve consumer benefits on their end.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5611, as amended.

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

A motion to reconsider was laid on the table.

PERMISSION TO CONSIDER AS ADOPTED MOTIONS TO SUSPEND THE RULES

Mrs. DAVIS of California. Mr. 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 Monday, September 15, 2008:

House Resolution 1255, House Resolution 1372, House Resolution 1425, House

Concurrent Resolution 410, H.R. 2352, H.R. 2535, H.R. 3437, H.R. 5293, H.R. 5350, H.R. 5736, H.R. 6064, H.R. 6503, and H.R. 6855.

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

There was no objection.

The SPEAKER pro tempore. Without objection, respective motions to reconsider are laid on the table and titles are amended as applicable.

There was no objection.

CIVIL RIGHTS HISTORY PROJECT ACT OF 2008

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 998) to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 998

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 ''Civil Rights History Project Act of [2007] *2008*''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds as follows:

(1) A fundamental principle of American democracy is that individuals should stand up for their rights and beliefs and fight for justice.

(2) The actions of those who participated in the Civil Rights movement from the 1950's through the 1960's are a shining example of this principle in action, demonstrated in events as varied as the Montgomery Bus Boycott, the sit-ins, the Freedom Rides, the March on Washington, the drive for voting rights in Mississippi, and the March to Selma.

(3) While the Civil Rights movement had many visible leaders, including Thurgood Marshall, Dr. Martin Luther King, Jr., and Rosa Parks, there were many others whose impact and experience were just as important to the cause but who are not as well known.

(4) The participants in the Civil Rights movement possess an invaluable resource in their first-hand memories of the movement, and the recording of the retelling of their stories and memories will provide a rich, detailed history of our Nation during an important and tumultuous period.

(5) It is in the Nation's interest to undertake a project to collect oral histories of individuals from the Civil Rights movement so future generations will be able to learn of their struggle and sacrifice through primary-source, eyewitness material. A coordinated Federal project would also focus attention on the efforts undertaken by various public and private entities to collect and interpret articles in all formats relating to the Civil Rights movement, and serve as a model for future projects undertaken in museums, libraries, and universities throughout the Nation.

(6) The Library of Congress and the Smithsonian Institution are appropriate repositories to collect, preserve, and make available to the public a collection of these oral histories. The Library and Smithsonian have expertise in the management of documentation projects, and experience in the development of cultural and educational programs for the public.

(b) PURPOSE.—It is the purpose of this Act to create a new federally sponsored, authorized, and funded project that will coordinate at a national level the collection of video and audio recordings of personal histories and testimonials of individuals who participated in the American Civil Rights movement that will build upon and complement previous and ongoing documentary work on this subject, and to assist and encourage local efforts to preserve the memories of such individuals so that Americans of all current and future generations may hear from them directly and better appreciate the sacrifices they made.

SEC. 3. ESTABLISHMENT OF JOINT PROJECT AT LIBRARY OF CONGRESS AND NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE TO COLLECT VIDEO AND AUDIO RECORDINGS OF HISTORIES OF PARTICIPANTS IN AMERICAN CIVIL RIGHTS MOVEMENT.

(a) ESTABLISHMENT OF PROJECT.—

(1) IN GENERAL.—Within the limits of available funds, the Librarian of Congress (hereafter referred to as the ''Librarian'') and the Secretary of the Smithsonian Institution (hereafter referred to as the ''Secretary''), acting jointly, shall establish an oral history project—

(A) to survey, during the initial phase of the project, collections of audio and video recordings of the reminiscences of participants in the Civil Rights movement that are housed in archives, libraries, museums, and other educational institutions, as well as ongoing documentary work, in order to augment and complement these endeavors and avoid duplication of effort;

(B) to solicit, reproduce, and collect—

(i) video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and

(ii) visual and written materials (such as letters, diaries, photographs, and ephemera) relevant to the personal histories of individuals;

(C) to create a collection of the recordings and other materials obtained, and to catalog and index the collection in a manner the Librarian and the Secretary consider appropriate; and

(D) to make the collection available for public use through the Library of Congress and the National Museum of African American History and Culture, as well as through such other methods as the Librarian and the Secretary consider appropriate.

(2) ROLE OF DIRECTOR OF MUSEUM.—The Secretary shall carry out the Secretary's duties under this Act through the Director of the National Museum of African American History and Culture.

(b) USE OF AND CONSULTATION WITH OTHER ENTITIES.—The Librarian and the Secretary may carry out the activities described in subsection (a)(1) through agreements and partnerships entered into with other government and private entities, and may otherwise consult with interested persons (within the limits of available resources) and develop appropriate guidelines and arrangements for soliciting, acquiring, and making available recordings under the project under this Act.

(c) SERVICES OF EXPERTS AND CONSULTANTS; ACCEPTANCE OF VOLUNTEER SERVICES; ADVANCE PAYMENTS.—In carrying out activities described in subsection (a)(1), the Librarian and the Secretary may—

(1) procure temporary and intermittent services under section 3109 of title 5, United States Code;

(2) accept and utilize the services of volunteers and other uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized under section 5703 of title 5, United States Code; and

(3) make advances of money and payments in advance in accordance with section 3324 of title 31, United States Code.

(d) TIMING.—As soon as practicable after the enactment of this Act, the Librarian and the Secretary shall begin collecting video and audio recordings and other materials under subsection (a)(1), and shall attempt to collect the first such recordings from the oldest individuals involved.

(e) DEFINITION.—In this Act, the term ''Civil Rights movement'' means the movement to secure racial equality in the United States for African Americans that, focusing on the period 1954 through 1968, challenged the practice of racial segregation in the Nation and achieved equal rights legislation for all American citizens.

SEC. 4. PRIVATE SUPPORT FOR CIVIL RIGHTS HISTORY PROJECT.

(a) ENCOURAGING SOLICITATION AND ACCEPTANCE OF DONATIONS.—The Librarian of Congress and the Secretary are encouraged to solicit and accept donations of funds and in-kind contributions to support activities under section 3.

(b) DEDICATION OF FUNDS PROVIDED TO LIBRARY OF CONGRESS.—Notwithstanding any other provision of law—

(1) any funds donated to the Librarian of Congress to support the activities of the Librarian under section 3 shall be deposited entirely into an account established for such purpose;

(2) the funds contained in such account shall be used solely to support such activities; and

(3) the Librarian of Congress may not deposit into such account any funds donated to the Librarian which are not donated for the exclusive purpose of supporting such activities.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $500,000 for fiscal year [2008] *2009*; and

(2) such sums as may be necessary for each of the fiscal years [2009 through 2012] *2010 through 2013*.

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask that all Members have 5 legislative days in which to revise and extend their remarks in the RECORD on this bill.

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

There was no objection.

Mrs. DAVIS of California. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 998, which would create the Civil Rights History Project. The bill directs the Library of Congress and the Smithsonian Institution, through the National Museum of African American

History and Culture, to collaborate and establish an oral history project. This joint venture will result in the collection and preservation of audio and video recordings by individuals who participated in the Civil Rights Movement.

A fundamental precept of our American democracy is that individuals stand up for their rights and beliefs and pursue justice through civil means. Many who participated in the Civil Rights Movement did so at great personal sacrifice. Their actions were often heroic and tireless, and challenged the practice of racial segregation in the Nation, which resulted in equal rights legislation for all American citizens.

As these pioneers continue to age, it is important that their memories and stories of events are documented so that future generations can witness their testimony regarding the lives and times of that era.

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

Mr. McCARTHY of California. Mr. Speaker, I rise today in support of H.R. 998, which would direct the Library of Congress and the Smithsonian Institution to collect and preserve audio and video recordings from individuals who were involved in the civil rights movement.

In 1954 the Supreme Court landmark decision, Brown v. Board of Education, served as a beacon of hope to those who had longed for racial equality in this Nation, and is largely credited with beginning the period commonly referred to as the civil rights movement. Rather than viewing the case which provided for the desegregation of public schools in the United States as the end of a journey, supporters of the civil rights movement recognized the Court's decision as the beginning of a long and difficult road ahead.

The years that followed brought many hard battles, from the Montgomery Bus Boycott that was a result of Rosa Parks' brave refusal to give up her seat to a white passenger, to the march in Selma, Alabama, during which our own colleague, Congressman LEWIS, suffered severe physical trauma in defense of voting rights. Congressman LEWIS' recollections of this time have often brought those who have heard him speak to tears. It is exactly those types of oral histories that are in danger of being lost in the absence of a concerted effort to preserve them. We cannot afford to lose those accounts of extraordinary courage in the face of profound injustice.

With the passage of time, generations of Americans have now been born with freedoms that would not have been possible without the struggle and sacrifice of those who participated in the civil rights movement. The audio and video recordings preserved as a result of this bill's passage will be an invaluable resource from which those young people who may learn about the struggle for racial equality and will serve as an inspiration to all Americans as they reflect upon this pivotal time in our Nation's history.

I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I am pleased to yield such time as she may consume to Representative McCARTHY of New York.

Mrs. McCARTHY of New York. I thank my colleague from California.

Mr. Speaker, I rise today in support of H.R. 998, the Civil Rights Oral History Project. I want to thank Chairman BRADY and Ranking Member EHLERS and the Committee on House Administration for moving to the floor on this bill.

I also want to thank my lead cosponsor of the bill, Congressman JOHN LEWIS of Georgia, himself a civil rights hero, for all of his help in developing and generating support for this bill.

Mr. LEWIS was at the forefront of the battle to end segregation, and his contribution to ensuring equality in our country cannot be overstated. I know I speak for all of my colleagues when I say that we are honored to serve with him, and grateful for all he has done and continues to do for all Americans as a steward of justice and equal rights.

We are fortunate to serve in Congress with several other influential civil rights leaders, and I would like to extend a heartfelt thank you for their sacrifices and commitment to the cause of freedom.

The fight for civil rights was one of the most significant social and cultural movements in our Nation's history. The will of a generation to right centuries of injustice changed the world we live in forever.

The leaders of the civil rights movement displayed tremendous courage and persistence to ensure that all Americans were treated equally, with dignity, regardless of their ethnic background, race or origins. Many leaders from all walks of life put their lives on the line to make it possible for all people to live freely and have the same fundamental rights.

We can never overstate the contributions of our Nation's civil rights leaders. Without their efforts, many of the things we take for granted every day would not have come to pass. It is vital that future generations know and understand the struggles and the challenges of those that paved the way for us to live in this Nation free.

These brave Americans' stories must continue to be told to not only inspire future generations, but to remind people what is possible in America and how far we have come. Unfortunately, with each passing year, our Nation loses more and more of the people that played major roles in the struggles to secure equal rights for all Americans. In recent years we have lost great leaders like Mrs. Coretta Scott King and Mrs. Rosa Parks. Thankfully, their stories have been well documented in the historical record, but there are many others who have already passed or whose memories are fading.

While we know so much about the lives of the leaders of the civil rights movement, such as Dr. Martin Luther King; our colleague, Congressman JOHN LEWIS; and Thurgood Marshall, it's important that we learn about the everyday people of all races who took a stand during a pivotal time in our Nation's history.

There were so many people who were crucial to the civil rights movement but have not had as much recorded about their experiences for the public record. These were the people, in many cases, that were part of some of the most significant battles in the fight for equality. The workers in Memphis that went on strike and marched in protest with Dr. King, the students that held sit-ins at lunch counters in the South, the thousands of people that marched on Washington and witnessed the ''I Have a Dream Speech,'' and the millions of Americans that stood up and worked in their own ways to make our country a better place for all people. These people are heroes of the civil rights movement, and we need to make sure that their stories are woven into the fabric of the American story.

That's why I have introduced the Civil Rights Oral History bill. The purpose of the Civil Rights Oral History bill is to catalogue and preserve the stories and experiences of the people who were involved in the civil rights movement.

This legislation stresses the importance of capturing the memories and the deeds of the civil rights generation and will give us a unique insight into the experiences of the people that we rely on in the front lines of the civil rights movement.

This bill will create a joint effort between the future National Museum of African American History and Culture and the Library of Congress to collect oral histories of the people that were involved in the civil rights movement and preserve their stories for future generations. I urge my colleagues to support this bill and to take the time to acknowledge the contributions of these great Americans who fought to make our Nation a more fair and just place.

Mr. Speaker, we have been going for a number of years working with our veterans across this Nation to get the history from them, an oral history, that has been going to the Library of Congress. That's where this idea came from.

When you think that we are really a very young country, and hopefully, we're going to be around for centuries to come, and I think it's important that future generations actually know how we became a great country, but also the struggles that many Americans went through. This bill will help preserve that.

I hope my colleagues will support this bill. This is for the future of America; it's for the future of the generations to see the history.

Mrs. DAVIS of California. Mr. Speaker, I am pleased to yield to Mr. HINCHEY of New York as much time as he may consume.

Mr. HINCHEY. Mr. Speaker, I am very proud to stand here this evening with my friends and colleagues and particularly with my friend and colleague, Congresswoman CAROLYN MCCARTHY, to voice my support for H.R. 998, a bill which she has produced and which will enrich the lives of future generations. This bill will collect oral history records from those whose struggles made them among America's most notable heroes, the leaders of the civil rights generation.

The civil rights movement has strengthened our social fabric by extending basic rights to all of America's people through the right to employment, the right to buy or rent a home, the right to education, rights that are the most basic and fundamental in our country.

It is imperative that we collect oral history in order to preserve the rich cultural heritage of our Nation. Preserving oral history gives those in the future a firsthand account of the struggle that Americans went through to change the laws and the lives of our people and our government. These great Americans stood up to violence, they stood up to death threats, they stood up to local, State and government oppression and opposition, and they risked their own economic well-being so that our great Nation could fulfill its promise to all of its people. We must preserve that history that explains the hardship and sacrifice that many African Americans and others went through to get equal treatment under the law.

This history can be most richly delivered by the people who led the movement themselves, those who fought so valiantly, and who can give their account firsthand. This bill will preserve an important part of our heritage through the process of collecting this oral history and making it available. Firsthand accounts, which include the honesty, emotion and accuracy are needed as an important part of our historical record.

□ 1915

Collecting these first person accounts from the civil rights movement will also give generations, those in the future, inspiration and motivation to uphold and strengthen America's promise for equal opportunity and to be sure that that promise is fulfilled.

It is my hope that our future generations will always be able to access oral histories and will blaze new trails that promote equality and richness in diversity.

Again, I'd like to thank all of my friends who were involved with this bill, especially my colleague and friend, CAROLYN MCCARTHY, for including me to celebrate the culture that makes America the great Nation that it is by taking further steps to allow future generations to learn from our notable American heroes.

Mrs. DAVIS of California. Mr. Speaker, It is now my pleasure to yield 2 minutes to Mr. COHEN of Tennessee.

Mr. COHEN. Mr. Speaker, I want to thank Congressman DAVIS and particularly Congresswoman MCCARTHY for bringing H.R. 998.

I do represent Memphis, Tennessee, and much of the civil rights history of Memphis, for better and for worse purposes, have occurred in my district. It is important that the history of that struggle be maintained to teach people about the courageous struggle, the leadership that many, many people had to embark on to achieve their rights that should have been part of 18th century America, but the 18th century America was not complete, and all men were not created equal. Certainly women weren't created equal either, and people had to fight and risk their lives to attain rights for people who today are beneficiaries thereof.

In my community, many of these heroes of the civil rights movement have been dying lately. They're getting old. This bill I wish would have come earlier, but I really thank Representative MCCARTHY for bringing it. It's a start. And there are people like the great Reverend Benjamin Hooks, who's getting up in his years but who's got many stories to tell, and Russell Sugarman. We lost Mr. Ernest Withers, a great photographer of the civil rights movement, this past year.

Time goes by for all of us, and the opportunities to collect history become more difficult as each day passes.

So I'm proud to speak on behalf of this, but mostly as a Congressperson from the Ninth District in Tennessee, I want to express my appreciation to Representative MCCARTHY for having the leadership to bring this and for initiating this process.

Mrs. DAVIS of California. Mr. Speaker, I'm very pleased that Congresswoman MCCARTHY has brought this legislation forward. As someone who's had an opportunity to travel on the pilgrimages of the civil rights movement with our own JOHN LEWIS, Congressman JOHN LEWIS, I know how important it is for us to act now and to capture the words and the actions and the memories of those who played such an important and historical role in this country.

I urge all Members to support this bill.

Mr. LEWIS of Georgia. Mr. Speaker, I rise today in strong support of the Civil Rights Oral History Project. I want to thank Congresswoman MCCARTHY for her leadership on this issue and for bringing this bill to the floor today.

Oral history is such an important way to capture and share our nation's story.

These are stories that need to be told, and preserved. These are the stories of the civil rights movement; eye witness accounts of the struggle for civil rights.

These are recollections of real people who marched, and even spilled a little blood in the cause of civil rights and civil liberties, and in the cause of voting rights.

These stories will be collected and preserved by the National Museum of African American History and Culture and the Library of Congress. Future generations will be able to hear the voices of people who were there during the civil rights movement, and hear them tell their stories in their own words.

We have lost too many of those voices in the last few years—Mrs. Coretta Scott King and Mrs. Rosa Parks, and we will continue to lose more courageous Civil Rights pioneers. We must begin this wonderful Oral History Project today, before we lose parts of the story. I strongly support this bill and I urge my colleagues to do the same.

Mr. DAVIS of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 998, as amended.

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

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS THAT THE DEPARTMENT OF DEFENSE AND FEDERAL VOTING ASSISTANCE PROGRAM SHOULD ENSURE THAT MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS ARE PROVIDED WITH INFORMATION ON VOTING IN THE 2008 GENERAL ELECTIONS

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 388) expressing the sense of Congress that the Department of Defense and the Federal Voting Assistance Program should take certain additional and timely measures to ensure that members of the Armed Forces and their dependents are provided with reasonable information on how to register to vote and vote in the 2008 general elections, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 388

Whereas members of the Armed Forces and their dependents deserve every reasonable opportunity to participate in the electoral process given their daily sacrifices to protect our liberty and freedom;

Whereas Congress enacted the Uniformed and Overseas Citizens Absentee Voting Act in part to ensure that members of the Armed Forces and their dependents and citizens living overseas are provided with sufficient information, opportunities, and balloting materials to foster their participation in Federal elections;

Whereas the Election Assistance Commission found that less than 17 percent of the 6 million citizens eligible under the Uniformed and Overseas Citizens Absentee Voting Act chose to participate in the 2006 general election;

Whereas the Election Assistance Commission further found that of the 48,600 Uniformed and Overseas Citizens Absentee Voting Act ballots that were not counted by States and local jurisdictions in the November 2006 elections, 70 percent were not counted due to incorrect or undeliverable addresses;

Whereas the Election Assistance Commission further found that more than 10 percent of all uncounted military and overseas absentee ballots were rejected because they were received past the required deadline;

Whereas the Election Assistance Commission further found that more effort needs to be made by the States and the Department of Defense to ensure that members of the Armed Forces and their dependents and citizens living overseas are made fully aware of their voting rights;

Whereas the Under Secretary of Defense for Personnel and Readiness and the Federal Voting Assistance Program are required to create and utilize a Federal Post Card Application that allows members of the Armed Forces and their dependents and citizens living overseas to use a single application to register to vote and request an absentee ballot;

Whereas a survey conducted recently by the Inspector General for the Department of Defense analyzed the effectiveness of the Federal Voting Assistance Program during the 2006 general election, and found that only 40 percent of members of the Armed Forces received voting information from the military and only 33 percent were aware of the Federal Post Card Application;

Whereas in April 2008 testimony before the Committee on House Administration revealed that the Department of Defense had not provided all members of the Armed Forces and their dependents with post card applications by the January 15, 2008, deadline as required by Department policy, and that the Department has yet to comply with this requirement; and

Whereas many of Department of Defense's outreach efforts, including its Armed Forces Voter Week, are scheduled to occur 60 days before the November 2008 election, which may not provide members of the Armed Forces and their dependents or citizens living overseas with sufficient time to complete and return the Federal Post Card Applications: Now, therefore, be it

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

(1) it is in the interests of the United States to ensure that the Secretary of Defense and the Federal Voting Assistance Program provide members of the Armed Forces and their dependents and citizens living overseas who are eligible under the Uniformed and Overseas Citizens Absentee Voting Act with sufficient information regarding opportunities to register to vote and to request an absentee ballot for elections occurring in 2008, including the November 2008 general election;

(2) the Secretary of Defense and the Federal Voting Assistance Program must, on a monthly basis starting September 22, 2008, and continuing on the first of each month through the November 2008 general election, provide all eligible members of the Armed Forces and their dependents with an electronic reminder of the voter registration and absentee ballot process available under the Uniformed and Overseas Citizens Absentee Voting Act, and, as required by Department policy, provide all members of the Armed Forces and their dependents with an electronic or paper copy of the Federal Post Card Application, along with sufficient instruction on completing and returning the application to the appropriate election official;

(3) State and local election officials should work with the Federal Voting Assistance Program to develop methods, consistent with privacy and security, for obtaining updated addresses and contact information, if possible, for any member of the Armed Forces or dependent and any citizen living overseas who has been identified by the State or local election official as having an undeliverable ballot address;

(4) the Under Secretary of Defense for Personnel and Readiness should report to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and the Committees on Armed Services of the House of Representatives and Senate not later than October 15, 2008, on the efforts made by the Department of Defense to—

(A) educate members of the Armed Forces and citizens living overseas on the process of voter registration and absentee voting in the 2008 general election,

(B) provide all eligible members of the Armed Forces and their dependents and citizens living overseas with the Federal Post Card Application to register to vote and cast absentee ballots in such election, and

(C) cooperate effectively with State and local election officials in their efforts to register these individuals and distribute and collect their absentee ballots;

(5) States must redouble their efforts to make sure that local jurisdictions collect the mandated information for individuals who are eligible under the Uniformed and Overseas Citizens Absentee Voting Act, and should work in partnership with the Federal Government to develop best practices (including the use of electronic means) for encouraging voting participation among members of the Armed Forces and their dependents and citizens living overseas; and

(6) the Department of Defense, the Federal Voting Assistance Program, the Election Assistance Commission, and State governments should examine recommendations made by the Election Assistance Commission in its September 2007 survey findings regarding the Uniformed and Overseas Citizens Absentee Voting Act.

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the RECORD.

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

There was no objection.

Mrs. DAVIS of California. I yield myself such time as I may consume.

I stand with the House leadership in full support of House Concurrent Resolution 388. This resolution insists that the government strengthen its promise under the Uniformed and Overseas Citizens Absentee Voting Act to assist our military and overseas citizens to vote.

House Concurrent Resolution 388 would direct the Federal Voting Assistance Program to provide military personnel and their dependents with electronic reminders about the election process and ensure paper and electronic copies of the Federal Post Card Application are provided.

According to a 2006 U.S. Election Assistance Commission Report, 70 percent of uncounted military and overseas ballots were due to incorrect or undeliverable addresses. House Concurrent Resolution 388 would also direct election offices to work with the Federal Voting Assistance Program to update contact information as well as expand outreach efforts to military and overseas voters.

I applaud Mr. HOYER and Mr. BLUNT for their leadership in drafting this bipartisan resolution. House Concurrent Resolution 388 reinforces the government's commitment to assisting our military and overseas voters. I urge all Members to support this legislation.

I reserve the balance of my time.

Mr. MCCARTHY of California. Mr. Speaker, I rise today in support of H. Con. Res. 388, which would express the sense of Congress that the Department of Defense and the Federal Voting Assistance Program should take additional measures to ensure that members of the Armed Forces and their dependents are provided with reasonable information on voting in the 2008 general elections. This bill will also extend information to civilians living abroad for the same purpose.

Mr. Speaker, recent data compiled by the Election Assistance Commission found that less than 17 percent of the 6 million citizens eligible under the Uniformed and Overseas Citizens Absentee Voting Act chose to participate in the 2006 general election. Of the 48,600 Uniformed and Overseas Citizens Absentee Voting Act ballots that were not counted by States and local jurisdictions in the November 2006 elections, 70 percent were not counted due to incorrect or undeliverable addresses. It is simply unacceptable that thousands of the brave men and women who fight for our freedom each day were denied a voice in the electoral process due to incorrectly filling out a ballot.

In September 2007, the EAC also found that ''the third largest reason for rejected ballots was that they were received by election offices after the deadline stipulated by State law.''

I have introduced H.R. 5673, the MVP Act, to ensure that military personnel are not left out of the elections process while serving their country overseas. Although my bill has been endorsed by the Vets for Freedom, and the Veterans of Foreign Wars called it ''an important piece of legislation ensuring that the men and women who wear our Nation's uniform are not left out of the election process while serving in harm's way,'' the MVP Act has not yet been brought before the House for consideration. However, I am hopeful that this resolution will create awareness of this issue and lead to more comprehensive reform that will provide a solution to this problem.

In addition to meeting ballot deadlines and correctly completing absentee ballots, there is also an issue with

military personnel receiving information from the Federal Voting Assistance Program. A survey conducted recently by the Inspector General for the Department of Defense analyzed the effectiveness of the Federal Voting Assistance Program during the 2006 general election and found that only 40 percent of members of the Armed Forces received voting information from the military and only 33 percent were aware of the Federal Post Card Application.

We must ensure that the Federal Voting Assistance Program improves their communication efforts and promotes the Federal Post Card Application and the Federal Write-in Absentee Ballot so that our service men and women are aware of the resources available to them during an election.

This year, perhaps more than any other year in recent memory, our Nation's electorate is excited to cast their ballots for the candidates of their choosing. For those serving their country overseas, and for civilians living abroad, we must do everything in our power to ensure that they have the information necessary to do so.

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

Mrs. DAVIS of California. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 388, as amended.

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

The title was amended so as to read: ''Concurrent resolution expressing the sense of Congress that the Department of Defense and the Federal Voting Assistance Program should take certain additional and timely measures to ensure that members of the Armed Forces and their dependents and citizens living overseas are provided with reasonable information on how to register to vote and vote in the 2008 general elections.''.

A motion to reconsider was laid on the table.

VETERAN VOTING SUPPORT ACT

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6625) to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6625

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 ''Veteran Voting Support Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Veterans serving in foreign wars have performed a great service to, and risked the greatest sacrifice in the name of, our country, and should be supported by the people and the Government of the United States.

(2) Veterans are especially qualified to understand issues of war, foreign policy, and government support for veterans, and they should have the opportunity to voice that understanding through voting.

(3) The Department of Veterans Affairs should assist veterans in meeting their medical, social, and civic needs, including the full participation of veterans in our democracy.

(4) The Department of Veterans Affairs should make every effort to assist veterans to register to vote and to vote.

SEC. 3. USE OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES AS VOTER REGISTRATION AGENCIES.

The Secretary of Veterans Affairs shall permit a State to designate facilities of the Department of Veterans Affairs located in such State as voter registration agencies under section 7 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–5) solely for the purposes of providing voter registration services under such section to individuals receiving services or assistance from the facility (or applying to receive services or assistance from the facility).

SEC. 4. ASSISTANCE WITH ABSENTEE BALLOTS.

In addition to the services required to be provided under section 7 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–5), any facility of the Department of Veterans Affairs which is designated as a voter registration agency under section 3 shall, with respect to the individuals for whom the facility is required to provide such services—

(1) provide information relating to the opportunity to request an absentee ballot;

(2) make available absentee ballot applications and, upon request, assistance in completing such applications and absentee ballots, except that nothing in this paragraph may be construed to waive any requirement under State or local law regarding an individual's eligibility to receive an absentee ballot or vote by absentee ballot in any election; and

(3) work with local election officials to ensure the proper delivery of absentee ballot applications and absentee ballots.

SEC. 5. INFORMATION PROVIDED BY NONPARTISAN ORGANIZATIONS.

The Secretary of Veterans Affairs shall permit a meaningful opportunity, including reasonable time, place, and manner restrictions, for nonpartisan organizations to provide voter registration information and assistance at facilities of the Department of Veterans Affairs.

SEC. 6. ASSISTANCE PROVIDED BY ELECTION OFFICIALS AT DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

(a) DISTRIBUTION OF INFORMATION.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall not prohibit any election administration official, whether State or local, party-affiliated or non-party affiliated, or elected or appointed, from providing voting information to veterans at any facility of the Department of Veterans Affairs.

(2) VOTING INFORMATION.—In this subsection, the term ''voting information'' means nonpartisan information intended for the public about voting, including information about voter registration, voting systems, absentee balloting, polling locations, and other important resources for voters.

(b) VOTER REGISTRATION SERVICES.—The Secretary shall provide reasonable access to facilities of the Department of Veterans Affairs to State and local election officials for the purpose of providing nonpartisan voter registration services to individuals.

(c) COORDINATION TO MINIMIZE DISRUPTION OF REGULAR ACTIVITIES.—Any election official providing nonpartisan voting information or nonpartisan voter registration services under this section at a facility of the Department of Veterans Affairs shall coordinate the provision of the information or services with the Secretary to ensure that the information or services are provided in a manner which minimizes the disruption of the regular activities of the facility.

SEC. 7. ANNUAL REPORT ON COMPLIANCE.

The Secretary of Veterans Affairs shall submit to Congress an annual report on how the Secretary has complied with the requirements of this Act.

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks in the RECORD.

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

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself as much time as I may consume.

H.R. 6625 will make certain that the Secretary of Veterans Affairs provides the voting assistance and opportunities that our veterans deserve.

H.R. 6625 responds to a Department of Veterans Affairs voting assistance policy established in May, which was misguided and unacceptable. The VA directive permitted voting assistance only if requested. It prohibited election officials and nonpartisan organizations from providing assistance to our veterans at VA facilities. Despite the policy changes made by the Secretary of Veterans Affairs last week, the policy still doesn't offer the meaningful voter registration and voting assistance our veterans deserve.

H.R. 6625 will require the VA to assist our veterans by permitting States to designate VA facilities as voter registration agencies under section 7 of the National Voter Registration Act. In addition, the bill would prohibit the VA from banning State and local election officials and nonpartisan groups from distributing nonpartisan information about voting and providing voter assistance at VA facilities.

Voter registration drives conducted by these election experts have energized millions of voters who historically have not participated in elections. H.R. 6625 requires that nonpartisan groups with the expertise and experience be allowed to assist veterans with the voting process with minimal disruption to facility operations.

My district in San Diego is home to a large concentration of veterans. I

know that the future of our country matters so much to them, and they want to be involved. Certainly, the veterans who have fought and suffered to protect our democracy should be given every opportunity to vote.

Much has been said about the importance of this bill for voter registration, but I'd like to draw your attention to section 4 because it may be the most important part.

Section 4 provides veterans with assistance in voting by absentee ballot, also called voting by mail. It requires that absentee request forms be available in VA facilities and ensures that veterans can get help completing their absentee materials and returning them to the elections office.

Why is this so important? Not only does voting by mail save voters what can be a difficult trip to the polls, but it allows them more time to study their choices. For veterans, having time to vote without the pressure of a line of people behind them is especially helpful because many are voting in new jurisdictions where candidates and issues may not be familiar to them. Further, some of their illnesses or injuries mean they need additional time to mark their choices.

Unfortunately, voting absentee is not as straightforward a process as it should be in many places. State rules vary widely about who can vote absentee and how. Some States have forms with plenty of fine print, others require a formal letter just to request an absentee ballot, and some States even insist on doctors' notes or notary signatures. And of course, different States have a range of deadlines that must be met.

To make sure that votes count, some veterans could really use assistance navigating this overly complex process. I am pleased that our committee passed my legislation to lift some of the restrictions on voting by mail, and it is my sincere hope that we will make voting absentee more doable for everyone.

In the meantime, the least we can do for our brave veterans is to give them a little help with their absentee ballots.

I want to thank Mr. EHLERS for working with the committee to draft language that guarantees our veterans will always receive the voter assistance they need. I would also like to thank the 54 colleagues who have joined Mr. BRADY and me to introduce this legislation and especially applaud the dedication and work that Representatives FILNER and WATSON have shown on this issue.

□ 1930

Our veterans have dedicated their lives to protecting our democracy and our government and we should be dedicated to ensuring veterans that they are given every opportunity to vote and participate in the very democracy they defend.

I urge all Members to support this legislation.

I reserve the balance of my time.

Mr. MCCARTHY of California. Mr. Speaker, I rise today in support of H.R. 6625 which would permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies.

As I have stated in the past, it is important that we ensure that every vote is counted and that every citizen is able to cast a ballot. As a part of that effort, I'm pleased to join in support of this bill which would designate veteran facilities as voter registration agencies. Doing so will allow those who have risked their lives for our freedom an opportunity to register to vote and make their voices heard.

I am also pleased that Chairman BRADY addressed our chief concern with the original version of the bill, that the desire to facilitate the voting process for patients does not supersede patient care due to intrusion by third party groups in VA facilities. This bill's original language stated that nonpartisan groups would have ''reasonable access'' to veterans in order to encourage voter registration. The word ''reasonable'' means different things to different people, and we would hate to see a veteran who wishes to convalesce in a private setting be intruded upon by activists from a voter registration group, however well intended they may be. Also, some patients may choose not to cast a ballot, and they should not feel pressured to do so.

Language was added to this bill that stipulates that third party groups must work with the administrator of each VA facility to ensure their efforts will not infringe upon a patient's right to privacy and that their practices would not in any way disturb patients' recovery.

Implementing this provision will require a commitment of time and personnel from the Veterans Administration. It is my sincere hope that in acting as a liaison between their patients and outside groups, the VA will not siphon off precious time and resources intended to improve patient care.

Also, while the intention of this program is to ensure that our Nation's veterans are more easily able to cast a vote, the passage of the bill should not be taken as an invitation to disregard the absentee voting programs implemented at the State level in favor of turning Federal, State, or NVRA designated agencies into voting locations.

Veterans also require months of care as a result of their injuries and have limited mobility during that time. This bill was crafted with their unique circumstances in mind, and it is not intended to be a gateway to similar programs at other agencies. When it comes to establishing voting locations outside of each State's established protocols, this bill should be considered the exception, not the rule.

Again, I would like to thank Chairman BRADY for his leadership on this issue and his commitment to improving this bill in a bipartisan fashion.

I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I am pleased to yield 4 minutes to Representative WATSON of California.

Ms. WATSON. Mr. Speaker, I rise today in support of H.R. 6625, the Veteran Voting Support Act.

In May of 2008, the Department of Veterans Affairs passed Directive 2008–25 that prohibited third party nonpartisan voting rights groups from holding voter registration drives on VA grounds. Outraged by this stance that the VA had taken, I, along with 54 of my colleagues, including Chairman BRADY and Chairman FILNER, sent two letters to VA Secretary James Peake requesting he overturn the policy.

As we returned from the August recess, on September 9, 2008, the VA passed a new policy directive, 2008–53. The new directive now allows State and local election officials and nonpartisan groups to give veterans access to their fundamental right to vote. We applaud the VA for overturning its previous directive, and I believe it is a step in the right direction. But the new policy still falls short of providing veterans complete access to voting in VA facilities. So H.R. 6625 will fix that problem.

The Veteran Voting Support Act would designate VA facilities as voter registration agencies under section 7 of the National Voter Registration Act of 1993 which requires public assistance organizations provide voter registration opportunities by offering information related to requesting an absentee ballot, making absentee ballot applications available, and require the VA to work with elected officials to ensure the delivery of absentee applications and absentee ballots.

Currently, our Nation is fighting wars in Iraq and Afghanistan, and as a consequence, our veterans are returning home with catastrophic injuries that require them to reside in a VA facility for extended periods of time to receive treatment for their wounds. This is why it is absolutely imperative that we give the selfless stewards of the Constitution complete access to voting in our elections. It is because of the sacrifice of men and women in the Armed Forces why we are free.

Mr. Speaker, I would like to thank Chairman BRADY and Chairman FILNER for working with me on the legislation, and I urge my colleagues to support H.R. 6625.

Ms. ZOE LOFGREN. Mr. Speaker. I rise in support of H.R. 6625 and commend Chairman BRADY for introducing this important piece of legislation, the Veterans Voting Support Act of which I am an original cosponsor.

This legislation is significant to me because the issue of registering veterans to vote was born out of concern by one of my constituents, Steve Preminger. Steve went to the Department of Veterans Affairs (VA) nursing home in Menlo Park, CA to register veterans. Almost immediately, VA officials threw him out. The VA has since explained that its decision to evict Preminger was part of a policy that bars outside groups from registering voters who live

in VA nursing homes, hospitals, and transitional housing for homeless veterans. For the past four years Mr. Preminger has litigated to ensure that all veterans living on VA property have access to voter registration

I applaud the VA for its recent change in policy allowing state and local election officials and non-partisan groups to access VA facilities to assist officials in registering veteran voters who are receiving care. But issuing a new policy is not enough and I question the agencies commitment to it. Last Friday, September 12, 2008, the San Francisco VA prohibited Veterans for Peace ("VFP"), a 501(c)(3), from registering voters, even though the "directive" instructs local officials to "facilitate" nonpartisan groups who wish to register voters.

As Paul Sullivan of Veterans for Common Sense stated in his testimony yesterday before the Senate Committee on Rules, "The VA has changed their policy on veteran voting rights three times in the past five months. VA can easily reverse course again and issue yet another policy banning voting assistance for veterans living in VA facilities."

I support this legislation, but am concerned that the protection for "nonpartisan" activities may create the inference that a government agency can regulate private "partisan" conversations just because they are on federal property, even though there is no apparent government sponsorship.

Over 5.3 million veterans (23.2 percent of all veterans) were not registered to vote in 2006. Veterans have dedicated their lives to protecting our country and deserve every commitment from the government to offer them the opportunity to participate in the political process. With November rapidly approaching it is imperative that we act both swiftly and vigilantly in passing H.R. 6625.

Mr. SCOTT of Virginia. Mr. Speaker. I rise in support of H.R. 6625, the Veterans Voting Support Act, which contains several provisions to help Veterans as they participate in the political process. First, it will require the Secretary of Veterans Affairs to allow States to designate V.A. facilities as voter registration agencies. The bill will also require V.A. facilities to provide information and assist election officials to ensure proper delivery of voting material. Additional, the bill prohibits the Secretary of Veterans Affairs from restricting nonpartisan organizations and state election organizations from providing information at V.A. facilities. This bill will help to prevent Department of Veterans Affairs policies from withholding information from Veterans on voter registration and voting.

The Department of Veterans Affairs previously adopted a policy that prohibits voter registration drives on V.A. grounds. The Department of Veterans Affairs recently changed that policy and now allows state and local election officials as well as non-partisan organizations to provide veterans help. However, the language of the policy still allows individual V.A. facilities to restrict access to these groups. This legislation will guarantee that individuals and organizations with the appropriate knowledge are given the right to assist our veterans in the voting registration process.

Our veterans have dedicated their lives to our country's safety and deserve the opportunity to be assisted in the political process. Given that many of our veterans are disabled or ill with special assistance needs as a result of their service to our country, we should make every possible accommodation to provide them with the assistance they need to take a part in the political process and have their voices heard. It would be ironic for those fighting for our freedom and ability to participate in our democracy to themselves be denied the ability to participate.

I commend Rep. BRADY, the gentleman from Pennsylvania, for his hard work on this bill and urge my colleagues to support it.

Mr. MURPHY of Connecticut. Mr. Speaker, I would like to thank my friend Chairman BRADY for bringing this legislation to the floor today, and for his work to ensure that our veterans are full and able participants in our democracy.

As you know, Mr. Speaker, last week, the VA revised its wrongheaded directive barring nonpartisan voter registration drives at VA facilities. Clearly, the VA felt the overwhelming bipartisan pressure from local, state and federal members who supported this legislation, as well as the Secretaries of State and countless veterans throughout the country who rightfully decried it. We have asked enormous sacrifices of our men and women in uniform, and it is simply unconscionable to deny them the right to participate in a government for which they have so valiantly served and fought for.

However, our presence here today attests to the fact that this fight is not yet over—while the VA has acted wisely in withdrawing their directive, they still retain the ability to reinstate it at some future date. The VA's recent policy shifts on voting registration have been sudden and unpredictable, and there is precious little assurance that they will not undergo another change of heart.

That is why I am a strong supporter of H.R. 6625. I have been to Connecticut's VA Hospitals and clinics, and I have seen and spoken with the generations of proud veterans those facilities care for and serve. They want to be able to enjoy the freedoms they worked to defend, and they deserve to be able to do so at VA facilities. Connecticut's Governor, Secretary of State, and Attorney General have joined this fight and support the legislation before us because they know our veterans' rights should not just be protected today, but for generations to come as well.

Not only will H.R. 6625 guarantee the right of veterans to register to vote at VA facilities, but the bill will also limit restrictions and expand access for nonpartisan voter drives and ensure that veterans get the assistance they need to complete the voter registration process. In an election year such as this, it's important that veterans, with their unique experience in serving their country, have their voices heard.

I urge my colleagues to support this bill and stand up for our veterans.

Mr. MCCARTHY of California. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I urge passage of the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 6625, as amended.

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

A motion to reconsider was laid on the table.

SENSE OF CONGRESS REGARDING LOWERING FLAG OVER CAPITOL TO HONOR MILITARY DEATHS

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 61) expressing the sense of the Congress that the United States flag flown over the United States Capitol should be lowered to half-mast one day each month in honor of the brave men and women from the United States who have lost their lives in military conflicts.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 61

Whereas more than 1,000,000 brave men and women from the United States have died in military conflicts from the time of the Revolutionary War through Operation Iraqi Freedom;

Whereas the people of the United States mourn the loss of the brave men and women who have given their lives for this country;

Whereas the United States has not forgotten the sacrifices that brave men and women have made to protect our Nation and our freedom; and

Whereas paying tribute to the brave men and women from the United States who gave their lives for this Nation demonstrates the spirit of patriotism that is the foundation of our great country: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States flag flown over the United States Capitol should be lowered to half-mast one day each month in honor of the brave men and women from the United States who have lost their lives in military conflicts.

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I ask that all Members have 5 legislative days to revise and extend their remarks in the RECORD on this resolution.

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

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

This resolution recognizes our servicemen and -women who have fought and died for our country and the sacrifice made by their families. The resolution provides for the flag over the Capitol to be raised at half-staff once a month in honor of all the U.S. men and women that have made the ultimate sacrifice in the service of our Nation.

While we in Congress and the majority of the American people go about our day-to-day lives, this small gesture should serve as a constant reminder of those brave men and women who have given their lives in defense of the freedoms that we, the American people, enjoy. We owe all of our fallen servicemen and -women a debt that can never be repaid.

I am pleased to support this resolution, and I urge all of my colleagues to support it as well.

I reserve the balance of my time.

Mr. MCCARTHY of California. Mr. Speaker, I rise today in support of H. Con. Resolution 61, which expresses the sense of the Congress that the United States flag flown over the United States Capitol should be lowered to half-mast 1 day each month in honor of the brave men and women from the United States who have lost their lives in military conflicts.

For all of those who work in or visit the Capitol each day, the flag that flies atop this building is an emblem of the democratic principles that guide this body. This powerful symbol of freedom is even more striking when it's lowered to half-mast, signaling that our Nation is in mourning.

The men and women of our military who defend our Nation in the time of war may be called upon to make the ultimate sacrifice for our country. Lowering the flag atop the Capitol once a month in their honor is a small yet meaningful way to communicate how deeply their loss is felt by all Americans.

In addition to being a moving tribute to the members of our military who we have lost, it is also a reminder to all Members of Congress that the actions we take—or do not take—have profound consequences on the men and women of our military. When we talk about funding our armored vehicles or express our views on intelligence gathering in the war on terror, it is imperative that we do not forget the real ramifications that our decisions will have on our servicemen and -women who must live with the consequences of our actions.

I urge my colleagues to join with me in supporting this moving tribute to our Nation's Armed Forces.

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

Mrs. DAVIS of California. Mr. Speaker, I am pleased to yield as much time as he may consume to the sponsor of this bill, Representative LINCOLN DAVIS of Tennessee.

Mr. LINCOLN DAVIS of Tennessee. I thank the gentlelady from California.

All of us, I'm sure, have had an opportunity—at least most—to visit the war zones in Iraq and Afghanistan. And being there, we have observed the greatness of the volunteers who volunteer their service for this great country and to help preserve, defend, and to bring about liberty and freedom to others in different parts of the world today, mainly in those two war zones in Afghanistan and Iraq, and the third one in the area of the Balkans.

But as they serve, some give the ultimate sacrifice. And for all of those who serve and who have served, and for those who have given the ultimate sacrifice, we can never really do enough as a Nation to thank them for their service and, ultimately, leaving their families with the loss of their lives.

In 1775, a shot heard around the world brought American men and women into battle at the Siege of Boston that lasted through the spring of 1776, which eventually brought us into war for our independence. After several years and the loss of many lives, we obtained our independence. Since that time, our young men and women have been willing to volunteer to go into the battlefields to preserve the freedom that our first military men and women fought to give us, and we've been willing to preserve that and we should continue as a Nation.

But I think when we look at those who give the ultimate sacrifice, sometimes we give the medals and we show sympathy and appreciation to the families, and then after a while, we forget that. I know in every courthouse and every city hall there are monuments that have the names of those who have given their lives for this country and paid the ultimate sacrifice.

On Memorial Day we visit and Veterans Day we visit, perhaps some special days like 9/11 we again remember and we visit those who have their names engraved on the markings and on the monuments in our courthouses and city halls throughout this country.

□ 1945

But I believe that just those two or three special occasions are not enough.

And, Mr. Speaker, I didn't realize how little we were showing appreciation for those who gave the ultimate sacrifice until my very first visit in early 2004 to Iraq. We had just traveled from one part of Iraq, flying back into Baghdad in a C–130. And before we boarded the plane, there was an escort detail. And we noticed that there was a casket, a flag-draped casket. A very solemn occasion as you looked at the lines of the young men and women who were saying farewell to the one who had given his life. And they placed that in that cargo bay off the C–130. Those of us who were Members of Congress sat more to the front—those who have traveled obviously know that we ride the jump seats as we go in and out into Iraq or Afghanistan.

And for some reason, when I looked in the faces of those young men who were the escorts, the solemn faces, the faces who weren't looking to anyone, I don't think, for sympathy, but just understanding, for me, on that occasion, I said, I don't think we do enough. And in 2004, I introduced this bill, the same one that's here today, to where we can at least once a month—12 times a year, plus the other occasions—say thank you to the mothers and fathers, to the brothers and sisters of the one who gave his life, and to the one who gave his life, that America still cherishes, respects, loves and remembers the sacrifice that you gave to this Nation.

So for me, it is my hope that this bill passes unanimously, and that we honor those who have given their life for this great Nation of ours.

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

Mrs. DAVIS of California. Mr. Speaker, I appreciate the gentleman bringing this legislation forward.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand today in support of H. Con. Res. 61, "Expressing the sense of the Congress that the United States flag flown over the United States Capitol should be lowered to half-mast one day each month in honor of the brave men and women from the United States who have lost their lives in military conflicts." The brave men and women who have sacrificed their lives to protect not only the lives of Americans but democracy around the world, warrant a day each month in which the Nation honors their service and sacrifice.

More than 1 million brave men and women from the United States have died in military conflicts since the birth of our great Nation. It is the right of the American people to mourn the loss of the brave men and women who have given their lives for this country. All Americans must remember that our freedom has not come without sacrifice. The heroic men and women who have given the ultimate sacrifice, to protect our Nation and our freedom must be honored and recognized. As Gertrude Stein put it so eloquently, "Silent gratitude isn't very much use to anyone."

Paying tribute to the fearlessness and courageousness that the men and women from the United States have displayed throughout history, demonstrates the spirit of patriotism that is the foundation of our great country.

H. Con. Res. 61 must be supported by the Members of Congress in order for us and all Americans to pay homage and show our respect for those extraordinary soldiers who are no longer with us, but whose legacies should live on. In honoring those who have fought for our country from the time of its conception would be a grand opportunity to show the men and women wearing the uniform today that their service is not in vain. It is an opportunity for America to demonstrate the magnitude of appreciation that we hold in our hearts for the service and bravery of all our veterans. A simple gesture can demonstrate the immeasurable amount of gratitude which emanates through us all.

The State of Texas alone is home to approximately 1,707,365 veterans. H. Con. Res. 61 commemorates not only the valuable contribution of heroes past but to our present champions of freedom and democracy. I am reminded of something once said by author Melodie Beattie, "Gratitude unlocks the fullness of life. It turns what we have into enough, and more. It turns denial into acceptance, chaos into order, confusion into clarity . . . it turns problems into gifts, failures into success, the unexpected into perfect timing, and mistakes into important events. Gratitude makes sense of our past, brings peace for today and creates a vision for tomorrow."

Mrs. DAVIS of California. Mr. Speaker, I yield back the balance of my time and I urge passage of the legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the concurrent resolution, H. Con. Res. 61.

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

A motion to reconsider was laid on the table.

CELEBRATING 75 YEARS OF EFFECTIVE STATE-BASED ALCOHOL REGULATION

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res 415).

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 415

Whereas throughout American history, alcohol has been consumed by its citizens and regulated by the Government;

Whereas prior to the 18th Amendment to the Constitution, which established Prohibition in the United States, abuses and insufficient regulation resulted in irresponsible overconsumption of alcohol;

Whereas passage of the 18th Amendment, which prohibited ''the manufacture, sale, or transportation of intoxicating liquors'' in the United States, resulted in a dramatic increase in illegal activity, including unsafe black market alcohol production, organized crime, and noncompliance with alcohol laws;

Whereas the platforms of the 2 major political parties in the 1932 presidential campaigns advocated ending national Prohibition by repealing the 18th Amendment;

Whereas on February 20, 1933, the 2nd Session of the 72nd Congress submitted to conventions of the States the question of repealing the 18th Amendment and adding new language to the Constitution that the transportation or importation of alcoholic beverages for delivery or use in any State would have to be carried out in compliance with the laws of the State;

Whereas on December 3, 1933, Utah became the 36th State to approve what became the 21st Amendment to the Constitution, the quickest-ratified amendment and the only ever decided by State conventions, pursuant to article V of the Constitution;

Whereas alcohol is the only product in commerce that has been the subject of 2 constitutional amendments;

Whereas Congress's reenactment of the Webb-Kenyon Act, passage of the Federal Alcohol Administration Act, the 21st Amendment Enforcement Act, annual appropriations to support State enforcement of underage drinking laws, and the STOP Underage Drinking Act demonstrated the longstanding and continuing intent of Congress that States exercise their primary authority to achieve temperance, the creation and maintenance of orderly and stable markets, and the facilitation of the efficient collection of taxes;

Whereas legislatures and alcoholic beverage control agencies in the 50 States have worked diligently to implement the powers granted by the 21st Amendment for 75 years;

Whereas legislatures and alcoholic beverage control agencies in all States created and maintain State-based regulatory systems for alcohol distribution made up of producers and importers, wholesale distributors, and retailers;

Whereas development of a transparent and accountable system of distribution and sales, an orderly market, temperance in consumption and safe practices, the efficient collection of taxes, and other essential policies have been successfully guided by the collective experience and cooperation of government agencies and licensed industry members throughout our geographically and culturally diverse Nation;

Whereas regulated commerce in alcoholic beverages contributes billions of dollars in Federal and State tax revenues and additional billions to the economy annually;

Whereas 2,500 breweries, distilleries, wineries, and import companies, 2,700 wholesale distributor facilities, over 530,000 retail outlets, and numerous agricultural, packaging, and transportation businesses support the employment of millions of Americans;

Whereas the American system of State-based alcohol regulation has resulted in a marketplace with unprecedented choice, variety, and selection for consumers;

Whereas members of the licensed alcoholic beverage industry have been constant partners with Federal and State Governments in balancing the conduct of competitive businesses with the need to control alcohol in order to provide American consumers with a safe and regulated supply of alcoholic beverages; and

Whereas members of the licensed alcoholic beverage industry have created and supported a wide range of national, State, and community programs to address problems associated with alcohol abuse, including drunk driving and underage drinking: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) celebrates 75 years of effective State-based alcohol regulation since the passage of the 21st Amendment;

(2) recognizes State lawmakers, regulators, law enforcement officers, the public health community and industry members for creating a workable, legal, and successful system of alcoholic beverage regulation, distribution, and sale; and

(3) continues to support policies that allow States to effectively regulate alcohol.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent for all Members to 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 Tennessee?

There was no objection.

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

Mr. Speaker, I rise today in support of H. Con. Res 415, which celebrates 75 years of successful State-based alcohol regulation.

I want to commend the gentleman from North Carolina (Mr. COBLE) for introducing this measure. It's the same as H. Con. Res 341, introduced by the gentleman from Michigan (Mr. STUPAK), which has 98 bipartisan cosponsors, and S. Res. 551, introduced by the senior Senator from Montana, Senator BAUCUS, which has 14 cosponsors, also in a bipartisan manner.

Seventy-five years ago—nearly to the day—on December 5, 1933, the 21st amendment to the Constitution of this country was passed. It repealed prohibition, a great mistake in the social era in this country, and the 21st amendment was ratified by the people in constitutional form. It brought an end to a misguided experiment and ushered in a new system of legal regulation of alcohol beverages. Previously, we had an illegal system that encouraged organized crime and worked against the public's wishes.

Section 2 of that amendment states that ''the transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors in violations of the laws thereof is hereby prohibited.'' The effect of section 2 was to entrust regulation of alcoholic beverages to the States.

Under the 21st amendment, and the terms of the Webb-Kenyon Act which implemented it, States have done an outstanding job exercising their primary authority to regulate this industry composed of producers, importers, wholesale distributors and retailers, often dubbed the ''three tier system'' by such knowledgeable and legendary individuals as Tom Hensley.

This has been a successful approach, and we have not had occasion to reconsider it. It is a system that provides transparency and accountability. It is one that prizes public safety in which the industry works with State lawmakers—of which I was one for 24 years and served on the State and local government committee in Tennessee that had the responsibility of ensuring that the three-tier system worked and the public was protected.

Public health officials and law enforcement people also worked on this to provide quality products to consumers and ensure the responsible use of alcoholic beverages. Through this partnership with the Federal Government, we have pursued efforts to eliminate alcohol abuse, underage drinking, drunk driving, and other problems associated with the abuse of alcoholic beverages.

I commend Mr. STUPAK of Michigan and Mr. COBLE of North Carolina for their leadership on this resolution, which commemorates the end of a failed experiment, prohibition, and the establishment of a system that served the citizens of this Nation well for over three-quarters of a century.

I urge my colleagues to support this important legislation.

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

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is more symbolic than substantive. It will not

change the way the alcohol industry distributes their products, and it will not change the way States regulate alcohol distribution. But regrettably, it does celebrate the ''successful system of alcoholic beverage regulation, distribution and sale.''

My opposition is not a reflection on those who support this resolution; it is just that I am uneasy about Congress considering a resolution with this purpose.

Certainly, the alcoholic beverage industry is a legitimate one. I have hardworking business owners in my district who create jobs and pay taxes. Most brewers, distributors and retailers try to ensure that alcohol is made, transported and sold in a safe and legal manner. However, the abuse of alcohol causes incalculable pain and suffering. It has cost thousands of lives, devastated families, and ruined the mental and physical health of many Americans. For the same reason, I would voice concerns about a resolution celebrating the ''successful distribution'' of cigarettes and tobacco products.

According to Mothers Against Drunk Driving, alcohol ranks as a leading cause of death among young people age 10 to 24 due to motor vehicle crashes, unintentional injuries, homicide and suicide. Vehicle accidents have become the number one cause of death for teens in the U.S., over one-third are alcohol related.

And although States have passed laws to prevent individuals from driving while under the influence of alcohol, a huge number of alcohol-related deaths occur on roads across the Nation. The National Highway Traffic Safety Administration found that last year drunk driving killed almost 13,000 people.

I do appreciate efforts of the alcoholic beverage industry, small businesses and distributors to keep alcohol out of the hands of minors. However, reports tell us that 33 percent of 12th graders still drink beer on at least a monthly basis and over 70 percent say that beer is easy to get.

When Congress can attest that alcohol is no longer easily accessible to teens, that alcohol no longer contributes to 13,000 accident deaths each year, and that alcohol no longer devastates families and individuals, then a resolution celebrating the ''successful distribution'' of alcohol might be in order. Until then, I continue to have concerns with this resolution.

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

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

Mr. SMITH of Texas. Mr. Speaker, I yield such time as he might consume to my good friend and colleague from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, first of all, I want to thank the distinguished gentleman from Texas who serves very ably as our ranking Republican on the House Judiciary Committee.

Mr. Speaker, I rise tonight in support of H. Con. Res 415. This resolution celebrates the 75th anniversary of the end of Prohibition. Furthermore, it recognizes our effective regulation of alcohol by State and local governments and the dedication of our State lawmakers, regulators, law enforcement officers, the public health community, and industry members for creating a workable, legal and successful system of alcohol regulation, distribution and sale.

Prohibition, Mr. Speaker, began in 1919, when the 18th amendment was ratified. This led to a dramatic increase in illegal activity, including unsafe black market alcohol production, a growth in organized crime, and increasing noncompliance with alcohol laws. As a result, only 14 years later, on December 5, 1933, the 21st amendment was ratified, which repealed Prohibition and granted to the States control of alcohol.

The 21st amendment wisely established a State-based regulatory system for alcohol. This has permitted each State to adopt laws that reflect the views of its citizens. The result has been one of most comprehensive and community-sensitive alcohol regulatory programs in the world. Furthermore, it has created a safe and reliable marketplace for alcohol. Our consumers are free now from the threat of the harmful chemicals that were unknowingly consumed during the Prohibition Era.

For 75 years, local regulation has worked well. And while alcohol laws are continually tweaked and improved, adjusted and amended, our beer, liquor and wine providers have worked diligently together with regulators to ensure that public health and safety are first and foremost.

Many beer distributors who strongly support this resolution and recently concluded their national meeting in San Francisco play a vital role in their respective communities by sponsoring a vast array of programs that promote responsible consumption. The programs range from providing free taxi rides home for restaurant patrons who do not have a designated driver, to sponsoring alcohol-free after prom events and producing educational materials to assist parents in talking to their children about underage drinking.

Distributors also promote alcohol education initiatives that bring guest speakers into local schools and community centers. Some of these speakers who have made mistakes about alcohol, just as the distinguished gentleman from Texas mentioned earlier, became reckless and abandoned discretion and responsible drinking, but they have overcome those mistakes and have lived to retell their stories, and therefore, encourage others not to make the same mistakes.

The beer industry, Mr. Speaker, I'm sure in probably every district represented on this floor, creates innumerable job opportunities. The beer industry, furthermore, has spent nearly $700 million in communities across the country to fight and oppose drunk driving, underage drinking, and promote responsible consumption of alcohol through public safety, prevention and education campaigns.

Additionally, the National Beer Wholesalers Association was instrumental in working with Congress to pass the STOP Underage Drinking bill, which was signed by President Bush in December of 2006.

□ 2000

Mr. Speaker, there are many alcohol vendors in my district in North Carolina who devote enormous amounts of time and money to improve the lives of people in our communities. They have openly supported community efforts for organizations such as United Cerebral Palsy, the Special Olympics, law enforcement, the Greensboro Children's Museum, the Greensboro Economic Development Partnership, the Rockwell Project for alcohol awareness at Greensboro area high schools, the Hospice of Greensboro, and others.

Many of these vendors have also unanimously supported countless other efforts throughout the Sixth District of North Carolina. I'm sure many of you can duplicate that in your respective districts.

The benefits vary from community to community. While there are sound reasons that alcohol should be regulated, it is clear to me that we should recognize and celebrate the 75th anniversary of the end of Prohibition.

I encourage my colleagues to support H. Con. Res. 415.

Again, I thank the gentleman from Texas for having yielded to me.

Mr. COHEN. I appreciate Mr. COBLE's and Mr. SMITH's comments.

Mr. SMITH, of course, comes from a city in Texas that my predecessor, the Congressman from West Tennessee in the 1800s—Davy Crockett—went to. Unfortunately, it was the last city that Congressman Davy Crockett went to. I was noticing, in going through the Halls here, that Sam Houston, who left my State, went to be Governor of your State. So Texas and Tennessee have a lot in common. If it weren't for Tennessee, we probably wouldn't have a Texas, so it's wonderful to work with you today on this particular resolution.

As I look around the Chamber here, there are great lawmakers, including Moses and Moses Maimonides. In Tennessee, we have a Bob Moses who had a lot to do with this three-tiered system, and he did a lot of work on it.

We don't have any further speakers. I'd like to inquire as to how many more speakers the gentleman from Texas might have.

Mr. SMITH of Texas. Mr. Speaker, before yielding back the balance of my time, I do want to thank my friend and colleague on the Judiciary Committee, Mr. COHEN, the gentleman from Tennessee, for those nice comments. He is right to point out the connections between Texas and Tennessee. Frankly, I

think they're a source of great interest and pride to residents of both States. I certainly appreciate his friendship. I appreciate the way he has conducted this debate tonight as well.

I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, on a personal matter, I will note that sometimes people see these bodies, and they think of our being acrimonious or not bipartisan. There is nobody I've enjoyed working with more than these two gentlemen on the Judiciary Committee, these Members on the other side of the aisle. We do work together a lot of times, and there is friendship, and there is work camaraderie and respect that people can probably recognize from some of the debate.

With that having been said, I would ask that we pass this resolution unanimously as introduced.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 415, "Celebrating 75 years of effective State-based alcohol regulation and recognizing State lawmakers, regulators, law enforcement officers, the public health community and industry members for creating a workable, legal, and successful system of alcoholic beverage regulation, distribution, and sale."

H. Con. Res. 415 celebrates a remarkable time in American history. It is worthy to remember how far the United States Government has come since its inception. With the ratification of the 21st Amendment, primary authority was delegated to the individual States, establishing the State-based regulatory system for alcohol distribution we still use today. The regulatory system has allowed each State to adopt individual laws that fit the beliefs of its citizens and still remains effective and in place today.

This State-based system created the safest and most responsible alcohol marketplace in the world. It not only protects consumers from tainted or counterfeit alcohol, but also provides transparency, accountability, and tremendous choice and value for American consumers for 75 years.

In 1919, following the passage of the 18th amendment, which prohibited "the manufacture, sale or transportation of intoxicating liquors," the United States experienced a dramatic increase in illegal activity including unsafe black market alcohol production, a growth in organized crime and increasing noncompliance with alcohol laws. By the end of the decade, Gangster Al Capone controlled all 10,000 speakeasies in Chicago and ruled the bootlegging business from Canada to Florida. Numerous other crimes, including theft and murder, were directly linked to criminal activities in Chicago and elsewhere in violation of prohibition.

Many social problems have been attributed to the Prohibition era. A profitable and typically violent, black market for alcohol flourished during the Prohibition Era. Stronger liquor surged in popularity because its potency made it more profitable to smuggle. The cost of enforcing Prohibition was high, and the lack of tax revenues on alcohol (some $500 million annually nationwide) affected government coffers.

The 21st amendment is significant because when repeal of Prohibition occurred in 1933, organized crime lost nearly all of its black market alcohol profits in most States because of competition with low-priced alcohol sales at legal liquor stores. The post-Prohibition period saw the introduction of the American lager style of beer, which dominates today, such as Anheuser-Busch's Budweiser and Coors Brewing Company. Alcohol has been and still is a part of the American tradition. In my great State of Texas there are 75 breweries and eight of them are located in the city of Houston.

Let us celebrate the Cullen-Harrison Act which Franklin D. Roosevelt signed into law in 1933, which once again, legalized the sale of 3.2 percent beer, signaling the beginning of the end of the 13-year "failed experiment" known as Prohibition.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 415.

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

A motion to reconsider was laid on the table.

SPECIAL ORDERS

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. HONDA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMERICAN ENERGY INDEPENDENCE

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

Mr. BURTON of Indiana. Mr. Speaker, you know, there's an old saying that sometimes people whistle past the graveyard. I think, last night, that's what this Congress did. The majority on the other side rammed through a bill that's not going to do anything to move us toward energy independence, and that means we're going to continue to send $700 billion a year overseas to Saudi Arabia, to Nigeria, to Venezuela, and to other countries, many of whom don't like us at all and who are using our own money against us. $700 billion a year.

While we didn't do anything about that, that which would create hundreds of thousands of jobs in the United States, we have found that Freddie Mac and Fannie Mae we have bailed out for God only knows how much money. It's in the hundreds and hundreds of billions. It's probably going to be more than the S&L tragedy we had years ago. Bear Stearns we bailed out. AIG, $85 billion last night. There's $25 billion to $30 billion we're going to give to the auto industry. We're going to be giving money, no doubt, to the aviation industry because it's in trouble because of the energy crisis. The stimulus package we're talking about is going to cost probably about $50 billion in the next week because the Democrat majority is going to send that to the floor, and we don't have the money. We're talking about $800 billion to $900 billion that the taxpayers are going to have to cough up that we do not have. Now, what does that mean for the economy of the United States?

It means simply that the dollar and the economy are going the wrong way. Today, get this: Gold went up over $70 an ounce. If you look back over the past several years, gold was running between $250 an ounce. Today, it went up by 25 percent over what the average was for the price of gold. Do you know why?

It's because there is no confidence in the dollar right now, and we're not doing a darned thing in this body or in the other body to deal with the problem. Nothing. We had a chance last night to move toward energy independence and to save $700 billion a year that we're sending overseas. That would have made a dent in the problem we're dealing with right now, and it would have provided a mechanism for hundreds of thousands of jobs, and it would have cut the price of gasoline and of heating oil and of everything else that we have to deal with. It would have moved us radically toward energy independence. It would have helped stabilize the economy of the United States. We didn't do a darned thing, and everybody knows it. Everybody knows what we did last night was a sham.

It's not going to result in any drilling. It's not going to result in any more oil here in the United States. It's not going to result in anything toward

nuclear or toward alternative sources of energy. It's not going to do a darned thing. Yet we went to the American people last night, my Democrat majority with that bill, and said, ''Hey, we're going to solve your energy problem,'' and it was a big lie, a facade.

We had an alternative bill. We had an alternative bill sponsored by Democrats and Republicans—Mr. ABERCROMBIE and Mr. PETERSON, Democrats and Republicans—that would have moved us toward energy independence that was really a compromise. It didn't allow drilling in the ANWR, which I preferred, but it did allow other things like coal shale converted to oil and drilling off the Outer Continental Shelf. It would have resulted in revenue sharing with the States that would allow us to drill.

The bill that we passed did not do any of that. The bottom line is this economy is in real trouble, and it's not just because of this Congress, but it's in real trouble because of loans that we gave to people who didn't deserve home loans, and it was because of the packaging of those loans and selling them up the line.

The fact of the matter is we could have done something last night to help stem the tide by passing an energy bill that would have led us not only to energy independence but to saving about $700 billion a year that we're sending overseas to people who are not our friends.

It's a real tragedy. This Congress is sitting on its hands, and it's not doing anything at a time when this country is crying out for some action, not just for energy, not just for lower gas prices but for some kind of a movement toward solving the economic problems that face this country.

I'm going to end by telling you this: If gold goes up $70 in one day, that's an indication that the value of the dollar is going down the tubes. In addition to that, everybody's 401(k)s and IRAs are going down with it.

This is a very, very difficult time for America, and Congress needs to respond, and we're not doing a darned thing. I hope my colleagues on both sides of the aisle are listening. The Democrat majority needs to do something about this, especially about the energy crisis right now and not just sit on your hands and pass bills to help get people reelected, which is what you did last night.

AMERICAN ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, Wall Street's big banking boys, those self-proclaimed geniuses of high finance, are bankrupting America. These plunderers of our economy who have fought tooth and nail against financial regulation now are running home to mama. They who virulently oppose government oversight in the markets have come begging to the U.S. Government, mama, to bail them out of their bad decisions. They want mama to make it all better.

Well, mama, the Federal Reserve and the Treasury, now run by Wall Street's best friends, have happily been shelling out from our taxpayers more than $300 billion already and counting for those irresponsible Wall Street giants. Meanwhile, homeowners in my district are suffering as a result of these high flying bankers' self-aggrandizing decisions.

I've not seen Secretary Paulson or Chairman Bernanke running around Ohio over the weekend, expressing concern about working people's houses and about helping them work out troubled loans. No. All they're doing is sending those folks the bills.

The first check that mama wrote was in March. The Fed's main role in the Bear Stearns buyout by JPMorgan Chase was a $29 billion loan to a corporation it created to buy $30 billion worth of assets from Bear Stearns. If the assets gained value, the Fed would profit. If the assets lost value, the first $1 billion would be lost by JPMorgan Chase, but the rest of the losses would be borne by—guess who?—the American taxpayer.

Then mama wrote a blank check, a big one, to Fannie Mae and Freddie Mac. Now, that bill is already $200 billion, and it could rise to $2.4 trillion, a blank check. Last year, the head of Freddie Mac earned compensation of $18.3 million, and Fannie Mae's chief, David Schmidt, received $11.6 million directly, not counting all of their other bonuses and stock options and who knows what else.

Now mama has written a third check for the crisis on Wall Street, and has effectively nationalized American International Group today with an $85 billion loan.

□ 2015

I wonder why we don't just change the name of the U.S. Treasury to the Sovereign Wealth Fund, because we are borrowing money from other countries in order to bail out these institutions.

By the way, from 1999 to 2004, the CEO of AIG, Maurice ''Hank'' Greenberg, was named to Forbes Magazine as among the ''world's richest people,'' with a net worth in 2004 of $3.6 billion. What a cozy group they have up there on Wall Street.

The CEO named earlier this year, Robin Willumstad, had been the president of Citigroup since 2002, and his base salary was $1 million, plus up to $4 million to $8 million in targeted annual bonuses, plus $13 million targeted annual incentive pay and a one-time $24.5 million restricted stock award to vest over 4 years.

Were our homeowners to get a deal like that. The American people are truly getting bilked. They didn't get a fair share of the upside, and they are getting all of the downside and a huge IOU. Foreclosures are going up in Ohio. And while Wall Street is made whole, the folks back on Main Street are losing their homes and getting the bill.

So while the banks get to run home to Mama and they are crying, we really have to ask ourselves, what has Mama given us here? What does it say about our values when we pump hundreds of billions of dollars into preserving Wall Street's bad boys while ignoring the plight of the American people?

Across Main Streets, from coast to coast, people are losing their homes. But are Mr. Paulson or Mr. Bernanke giving them any bet on the upside? They are not even helping them on the downside. All they are giving them is a bill for Wall Street's excesses. When Roosevelt talked about malefactors of wealth, boy, was he right.

I feel sorry for our country, I feel sorry for this Congress, that we can't do a better job of standing up for the people today who are losing their homes in Ohio. Thirty-eight thousand more perched at the edge. Our State needs $20 billion just to do workouts in our State. Where is the Federal Reserve? Where is the Treasury Department? Why do they only help the rich people? What about the rest of the people who have to work for a living?

I can't think when I have been as upset as I am tonight about what is happening by the big shots, and the people who are paying the bill are getting shoved off the edge.

Wake up, America. Wake up, America. Pay attention to what is happening here. Contact your Member of Congress. Every citizen of this country that is a taxpayer and every citizen who owns that home mortgage has a right to a decent life, not just the big shots up at the end of Wall Street up in New York City.

ASHE COUNTY ARMED SERVICES TRIBUTE A PATRIOTIC SUCCESS

The SPEAKER pro tempore (Mr. WILSON of Ohio). Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to praise the people of Ashe County, North Carolina, for their strong support for our men and women in uniform.

Any time there is an opportunity to honor our active military and our veterans, such as Memorial Day or Veterans Day, the folks in Ashe County show their support in the strongest way possible. But on August 23rd of this year, Ashe County hosted its Armed Forces Tribute and showed what a remarkable place Ashe County is and how remarkable the people there are.

This event was a fitting way to honor our country's brave veterans and those who are serving around the world to keep our Nation safe. True to the organizers' goal for the event, it was a time to reflect on the sacrifices of those who

willingly put their lives on the line for the cause of freedom. It made me proud once again to be an American and proud to represent the fine people of Ashe County who made this special time possible.

The Armed Forces Tribute was broadcast worldwide to military personnel by the military's Pentagon Channel and aired across the State of North Carolina on public television's UNC-TV. The use of technology that day in this small county in western North Carolina was phenomenal. It was a proud day in Ashe County for those who serve our Nation.

The tribute was filled with memorable moments of honoring those who serve and have served in our military. Lieutenant General Thomas F. Metz gave a stirring speech that will not soon be forgotten. North Carolina's own 82nd Airborne parachuted from the skies over Ashe County, not once but twice during the celebration.

And participants were even connected via satellite to our troops serving in Iraq and Afghanistan. Indeed, family members came from all over the United States to be able to talk electronically with their member serving in the military overseas. And once again we heard the extremely articulate men and women serving in the military describe their experiences and their positive outlook on what is happening in Iraq in particular, and all of us were extremely pleased to hear that.

Were it not for the generous spirit of patriotism and volunteerism of the people of the High Country, this event would not have been possible. I would like to thank everyone who gave their time and their money to ensure the success of the Armed Forces Tribute.

But there is someone who deserves special thanks and recognition for the passion and dedication she brings to make this tribute happen. Vicky Moody, president of the Jefferson, North Carolina, Rotary Club, once again brought the people of Ashe County together to pull off a spectacular salute to our troops and led her fellow Rotarians, who served as volunteers for this event, in the cause.

Thank you, Vicky, for your work and your love of country and our military men and women. Thank you, Jefferson Rotarians, for all of the work, effort and money that you put into making this a wonderful event.

It is always fitting to honor those who put their lives on the line for our Nation and make tremendous sacrifices for our freedom, and today is no exception. Thank you to our veterans, their families, and to the patriotic Americans like Vicky Moody and Ashe County who stand behind our active duty military as they defend the front lines of the fight for liberty. May God continue to bless you, and may God continue to bless the United States of America.

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

(Mr. HOLT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO THE NEW YORK SUN

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

Mr. WEINER. Mr. Speaker, we have had a great deal of discussion about New York institutions, great institutions that have been around for a very long time, frankly, succumbing to economic pressures, bad regulation, misfortune. But we are in a perilously close position in New York to losing another great New York institution, and that is the newspaper The New York Sun, which has been operating for the better part of 7 years now.

It isn't often that someone in our line of work rises to pay tribute to a periodical, particularly one that is frequently quite critical of those of us in public life, but The Sun is a unique New York institution. It is arguably the only newspaper, frankly the only outlet in New York City right now, that is truly covering civic affairs in New York, and doing a very good job of covering civic affairs here in Washington and around the world.

For the purpose of making these remarks, I just grabbed at random a copy of The Sun recently and pulled out this copy from September 8th. And I defy any of my colleagues to find a publication in their part of the world, and even the ones that are best known—The New York Times, The Boston Globe, any of them—that has coverage comparable to The New York Sun.

Right here is coverage of how Russian war games have begun in the Caribbean, with a long description of how the Monroe Doctrine is entangled; coverage by E.B. Solomont on health care, talking about the challenges facing children's health care in New York and around the country; conversation about arts and fashion. The Arts Section of The Sun provides arts coverage second to no one. They even found some time to put on the front page coverage of sports, Brett Favre's beginning of his career with the New York Jets.

Now, you might be thinking this must be a newspaper that has been particularly kind to my point of view, maybe the editorial page has been particularly kind to the values that I share. Very often, if not most of the time, I disagree with their editorial page. But it is always erudite and thorough and gives us a great deal to think about.

Not long ago, many readers were shocked to find out what, frankly, we are learning about in a lot of newspapers around the country, it has fallen onto hard times financially. Well, there are many ways that we are going to be called upon to participate in our civic life in this election year. Obviously first and foremost among them is we are going to be asked to vote. But one of the things that all citizens in New York can do—and for those of you who have access to the Internet, you can go to nysun.com and take a look at the newspaper online—one of the things we all can do is engage in our civic debate well-armed with some facts about the issues of the day.

There is no better place to get it than The New York Sun. You know, perhaps it is ''old media,'' but it is good, old-fashioned, substantive civic engagement with a balanced coverage and smart coverage. You are going to find things in The Sun that, frankly, the other newspapers gloss over, the other papers pay no attention to.

I recently got a lot of attention, and perhaps snickering, by referring to how ''tabloidy'' a lot of the broadsheet newspapers have become in New York City, and I singled out The New York Times for that treatment. Well, frankly, if all newspapers had the level of thoroughness and the level of sophistication and the level of respect that it shows to readers that The Sun does, I think that, frankly, the debate in New York City and around the country would be a lot better off.

This is volume 124, number 101. I don't know exactly what those numbers mean. But hopefully for years to come, New Yorkers, American citizens of all stripes, will be able to pick up this newspaper, and I think they will be better for it.

Now, while I have the microphone, I should say to any of their editorial page who are listening, you are wrong about 90 percent of the time, and hopefully you will get better over the course of the next 7 years. But, by all means, I am not going to stop reading, and I would encourage all of my neighbors to do the same.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. TAYLOR addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. CONAWAY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REMEMBERING RECENT NATURAL DISASTERS IN IOWA

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

Mr. BRALEY of Iowa. Mr. Speaker, I rise tonight to remember that, in a time of widespread national disasters, it is important to remember those disasters that have already occurred this year and not forget the impact that they have had on people back in the great State of Iowa, which I am proud to represent in this body.

For most of us, May 25th was the day before Memorial Day. It was the day of my son's high school open house from his graduation, and our biggest concern that day was how much rain we were going to get. But shortly after all of our guests left, I started following a news story that would have profound implications for me and the people I represent back in Iowa's First District.

This wall cloud that is visible on the easel to my right was a wall cloud that brought a devastating EF–5 tornado to the citizens of Parkersburg, New Hartford, Dunkerton and Hazleton, killing eight people, causing widespread destruction in those communities and serious flooding in other parts of my district. And that was what transformed the summer of 2008 for many Iowans.

□ 2030

This wall cloud contained this powerful tornado and went right by one of my constituents' farms, that was Senator CHARLES GRASSLEY, who lives near New Hartford, Iowa. The effects of this powerful tornado can be seen in this photograph, this overhead shot of Parkersburg, Iowa, where nearly one-third of homes and businesses in the south side of Parkersburg were destroyed.

You can see here where the high school was destroyed. The folks in Parkersburg are very proud of the fact that four of the graduates of their high school, Aplington-Parkersburg, currently are starters in the National Football League, an extraordinary accomplishment for a town of less than 2,000 people. The widespread devastation as this EF–5 tornado went through Parkersburg will be felt for many years to come and illustrate the need for Federal emergency disaster assistance in times when people are at their most vulnerable.

To give you a better view of how individuals were impacted, this photograph shows the widespread destruction that leveled, literally, every home, office, business and building in the swath of the tornado pass through. You can see that the trees are completely denuded of any vegetation. Here you see people that are working hard to clean up an area where one of the homes was destroyed near where two people were killed.

I was very proud that when this disaster struck, my staff did a fantastic job of responding to the needs of every community wherever we could. This photograph shows me with my chain saw in front of one of the homes that was completely destroyed shortly after the tornado struck.

This is the basement of the home that I was working on and a family whose entire home contents were completely destroyed by the tornado. I kept holding up things that I found in their basement and asking them if they wanted to save it, and they said, well, that's not ours. This is common.

There were things that were found, that were taken out of Parkersburg during this tornado, in Prairie du Chien, Wisconsin, over 100 miles away.

On the front edge of the tornado, the town of Lamont had 8 inches of rain in a 24-hour period that flooded the community and caused widespread destruction to their infrastructure, including this bridge, all within the week of Memorial Day.

Then, as if that weren't enough, the week after Memorial Day, the town of New Hartford, which had been hit by this EF–5 tornado, was completely overwhelmed by flooding from Beaver Creek. The tragedy of these storms is that, as you can see in the background of downtown New Hartford, the hardware store has left town. The only convenience store, the Kwik Star, has left town and is no longer in business. The places where people went to get their basic necessities are being driven out by the implications of these storms.

The town of Elkader, Iowa, up in Clayton County, which is one of the most scenic parts of my district, had a flood predicted at 20 feet for a 12-foot flood stage. The river crested at 31 feet and overwhelmed the community, destroyed the grocery store, flooded businesses and caused widespread destruction to homes in Elkader.

Waverly, Iowa, in Bremer County, also suffered widespread damage due to the flooding. The same types of destruction can be seen in their downtown streets, which has enormous implications for infrastructure. Cedar Falls' utilities, completely overwhelmed by the flooding, and a railroad bridge in downtown Waterloo, where I live, will need to be replaced and has an enormous impact on the commerce at John Deere's Waterloo works.

The disaster response that this Congress made was immediate and swift, $2.65 billion, but much more is needed to address the needs in the First District and the Second District and other parts of Iowa. It's time for Congress to act and pass a supplemental disaster assistance bill for all of the midwestern flooding and tornado victims and also addresses serious problems from Hurricane Ike and Gustav in our gulf coast.

The response initially to this disaster from our Federal disaster agencies was very encouraging, but there has been a backlog in getting the funds that Congress has appropriated through the Federal agencies to the people in need in Iowa. The time to break that backlog is now.

We need to start freeing up the Community Development Block Grant money so that it can have an impact in these communities that I have been showing you here tonight. We need to free up other small business loans and other funding that should be getting to the people in need in Iowa, including the people of Cedar Rapids, who were devastated with the highest flood that they have ever seen and has 400 square blocks of downtown Cedar Rapids where homes and businesses were destroyed and need to be rebuilt.

That's why the crisis is now. The time to act is now. We need to take advantage of the widespread attention on people in need in this country and address their concerns.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Pennsylvania (Mr. ALTMIRE) is recognized for 60 minutes as the designee of the majority leader.

Mr. ALTMIRE. Mr Speaker, we are here tonight as part of the 30-Something Working Group. We will be joined tonight by several members of the working group, including Congressman TIM RYAN from Ohio. I believe Congressman MEEK from Florida is going to be making an appearance, and anyone else who wants to join in that may be viewing us, certainly from their offices, is welcome to come down and join the discussion on a couple of issues that are facing this country and some things that are in the news this week and that we have dealt with in Congress this week.

Number one, I am going to start with the economy. I don't think anyone can pick up a newspaper, watch a TV or do any reading of any kind without seeing that our economy is in crisis right now. The stock market on this day went down 450 points after going down more than 500 points the day before yesterday.

We are in the position right now, as a Congress, and as a Nation, where we have some very difficult decisions to make. The administration came in and did their third major bailout of a major corporate institution this week with the AIG Insurance Company, and we are going to talk more about that. We are going to talk about the reasons why we got to where we are today.

There is an instructive part of this whole thing to take a walk down memory lane and to see what the economy was like 8 years ago and what the economy is like today, and to discuss how we got from where we are, where we were then, to where we are today.

We also have to talk about what's happening today, what is the crisis, what, exactly, is next. In some ways we don't know, but there are things that

we can do immediately to take immediate action to prevent this crisis from getting worse.

We are going to have a discussion about how we got here. We are going to have a discussion about what we do now. That might be the most important part. There is urgency to this.

Then we are going to talk about the future. What are the long-term safeguards that we can put in place to make sure that this never happens again?

That's, for many onlookers, the worst part of this whole process, the fact that we had safeguards in the market that were supposed to work, that were supposed to prevent this from happening, and those safeguards didn't work. Then, as it applies to the securities industry and some of the leveraging that was taking place in the market, we have the fact that it was a completely unregulated market.

It was a free-for-all, and it wasn't that there was deregulation that took place, in many cases these were markets that were never regulated to begin with. It was a laissez-faire attitude that this administration had, and the free-for-all that took place that led us to where we are today and how are we going to fix that, moving forward into the future.

So with regard to the economy, those are the three things we are going to do, talk about the mistakes that were made in the past that led us to where we are today, talk about what this Congress is going to do, hopefully in a bipartisan way, working with the administration, because there is nothing more important than getting this crisis solved. What are we going to do in the near term to solve the problem and move forward? Then, what are we going to do to ever prevent this from happening again.

To begin that discussion, I would ask the participants in the debate to take a walk down memory lane with me while we talk about where the stock market was 8 years ago. I think that now, now that we are in the crisis we are in, it's fair to compare periods of time. Let's compare the past 8 years to the previous 8 years.

In the 8 years of the Clinton administration, the stock market in this country went up 226 percent, 226 percent increase in 8 years. Now, what is that by the historical average? You say, I don't know, is that a lot, is that a little? What is 226 percent?

Well, the historical average is an increase every year of 11 percent in the stock market, and that's the historical trend. It doesn't matter if you have a Republican president and a Democratic Congress, a Democratic president and a Republican Congress, both chambers represented by the same party, regardless of that, over time, no matter who is in control of the White House and the Congress, the average annual increase in the stock market is approximately 11 percent. In the 8 years in the 1990s, and the economic policies that we conducted in the 1990s, we had a 226 percent increase over 8 years. Pretty good.

What's happened over the past 8 years, because we have had a dramatic shift in our economic policies over the past 8 years. We are going to talk about what some of those policies were. That's part of the subject matter that is at hand with the Presidential race, the fact that we have two candidates with very different views on the economy.

One of them, Senator MCCAIN, has been a part of Congress for 26 years, was involved in the economic policies of the past and wants to continue the policies of the past 8 years into the future. Let's talk about what were the policies of the past 8 years, and what was the impact? We are talking about the stock market.

Well, the stock market today is almost exactly where it was 8 years ago. It's flat lined. It's gone up less than 1 percent. Now that's not 1 percent a year over 8 years, Mr. Speaker, that's less than 1 percent total over the course of the entire 8 years.

The previous 8 years the stock market went up 226 percent. The next 8 years, the current administration's time in office, it's gone up less than 1 percent total over that entire period of time.

It does not look like things are going very well moving towards the future. Hopefully that will correct itself, and we will see some gain in the stock market moving forward.

The point is, the decisions that are made by this Congress, and the decisions that are made by whatever administration is in power, do have a very real impact on our economy. They make a difference.

When you look at the fact that we have had 8 straight months of job losses, this administration, over the 8 years, is going to have the worst record of job creation of any presidential administration since Herbert Hoover. That's not a good record, 8 straight months of job losses. It does not look encouraging for the next several months. But it is the worst record of job creation over an 8-year period for any administration since Herbert Hoover's administration, and we all know what happened there. That's not good.

Our financial industry is in crisis. It's in melt-down mode. Now we can turn that around. We can take steps, working as a Congress and working with the administration to turn it around, and we are going to make the difficult decisions that need to be made to put our house in order and get moving in the right direction.

But when you look at what the mistakes were to get us to where we are today, let's take a look at the national debt, same deal. We will compare the previous 8 years to the current 8-year's administration, and I think that's a fair comparison.

When President Clinton left office, we had just had 4 consecutive years of budget surpluses. Those surpluses were forecast as far as the eye can see.

The Congressional Budget Office, which is an entity which scores over a period of years what the expected surplus is going to be, predicted that over the next 10 years, beginning in 2001 through 2010, we would have a surplus of more than $5.5 trillion.

I would ask the participants that are here tonight, and anyone who might be paying attention to this debate tonight, to think about what the discussion was in the presidential election of 2000. We are a little less than 7 weeks away from a major election here in this country, presidential election, and you see what the debate is about.

In the 2,000 debate between then Governor Bush and then Vice President Gore, the discussion was what are we going to do with this enormous surplus? We are awash in cash. We have a $5.5 trillion projected surplus over what were then the next 10 years. And we've just had 4 consecutive years of budget surplus. So the discussion was, are we going to pay down the debt? Are we going to shore up Social Security?

What are we going to do with this money? Imagine what we could have done. We have had a debate on energy over the past several months, culminating with a vote last night in this House. What could we have done in the past 8 years with $5 trillion if we had chosen to dedicate that money to finding an alternative source of energy, getting us off of our dependence on foreign oil?

□ 2045

There are any number of things that we could have used that surplus for. We could have nearly paid down the entire national debt. One of the largest line items in the Federal budget today is interest on the national debt, $240 billion for 1 year. What could we do with $240 billion if we had paid down the national debt and didn't have that line item in the budget?

Well, that was 8 years ago. We are not having that discussion anymore because instead of those four straight budget surpluses we had at the end of the Clinton administration, we have had eight consecutive budget deficits. And the parting gift that President Bush is going to leave to this country as he leaves office is the largest single-year budget deficit in this Nation's history, more than $480 billion for 1 year.

So we didn't have the $5.5 trillion surplus. No, we had a $4 trillion debt over the course of 8 years and counting, unfortunately, because now, instead of surpluses with no end in sight, we have deficits and debt with no end in sight because of the economic policies that have been conducted over the past 8 years.

Part of the problem, among many problems that have developed with these policies, is the turmoil you are seeing in the market right now, is the stock market, the low U.S. dollar, which one of our previous speakers was

talking about. We are going to get to that.

I have talked about this before, and my colleagues in the 30-Somethings have heard me mention this before. If you had said to an economist as President Bush was taking the oath of office, ''We are expecting a $5.5 trillion surplus, but what would we need to do to have a $9 trillion swing from positive to negative in the debt? What would have to happen?'' That is going from $5 trillion in the positive to $4 trillion in the negative, a $9 trillion swing. If you asked what would we have to do from an economic perspective if we were trying to have a $9 trillion swing, what type of policies, well, any economist that you asked would have said that is impossible. You couldn't possibly mismanage the economy to such an extent you are going to have a $9 trillion swing. Well, unfortunately, we have.

Now, I know there are those who will say, well, it wasn't the administration in the 1990s that were responsible for the enormous surpluses, it was the Republican Congress. And people who look at history might say it was President Bush the First who put into place pay-as-you-go budget scoring. And pay-as-you-go budget scoring is one of the factors that led to the record surpluses we had in the 1990s in contrast to the record deficits we had in the 1980s.

Unfortunately, one of the things that one of the previous Congresses did right after President Bush took office was to do away with pay-as-you-go. What is pay-as-you-go? Pay-as-you-go budget scoring is what we do in our home checkbooks, what every American does in their bank accounts, and what every business in America does with their balance sheet. It is very simple. You have to have money on one side of the ledger if you want to spend it on the other.

Unfortunately, we did away with that in this country after the 2001 turn of the administration, and that has led to decisions being made where nothing had to be paid for, just charge it to the credit card. Whatever spending you want to do, don't worry, we don't have to have an offset anymore because we don't have pay-as-you-go. So if you want to increase spending, put it on the credit card; somebody will take care of it.

The problem is that eventually the bill comes due. This leads me to where we are today; the bill has come due. Anyone who has seen what happened with Wall Street over the past several months and certainly over the past few days can see that the bill has come due. And, unfortunately, it is the American taxpayer that is now going to have to pick up the bill.

And because of the decisions that have been made to bail out the corporate executives and the big Wall Street financiers instead of middle-class Americans, it is middle-class families in this country that are going to have to pay the bill. It is middle-class families in this country that are going to get that bill in the mail while we are bailing out the big corporate executives.

We are going to continue that discussion, but rather than give a monologue, the gentleman from Ohio (Mr. RYAN) is here, and I would like to welcome him to the discussion and yield to him.

Mr. RYAN of Ohio. I thank the gentleman, and I appreciate you coming down here and anchoring the 30-Something hour.

I think it is important as we are talking about the financial issues just over the last couple of days, and I think you laid it out pretty well, a 500-point drop and then a 100 or so increase, and then a 450-point drop today, these are markets that are so destabilized that we are losing companies that were established since before the Great Depression. The only financial house that seems to be left is the Department of the Treasury. And this has been because of the lack of regulation on the markets, period, dot.

It may be convenient, Mr. Speaker, to say we need to deregulate. You need law and order in order to build a capitalistic system. The capitalistic system doesn't come first. The magic with capitalism was that we had courts in place and regulatory bodies in place to make sure that contracts could be enforced, to make sure that investments were sound, not necessarily the decision that each person in the country would make would be sound decisions, not that every loan that they would take out would be sound, but there were precautions in place to make sure that this whole operation was stabilized and regulated.

And you look at what happened to the savings and loan industry in the 1980s, and you look at what is happening now; it is because there wasn't the proper watchdog in place.

I think putting the Republicans—as you stated earlier, there may be a difference between some of our friends on the other side of the aisle a few years back and the ones today—it is like putting a drunk in charge of the liquor cabinet, putting the Republicans in charge of Wall Street. I mean, let's be honest. Total deregulation.

The whole answer was, well, we will deregulate everything, and we will have competition. In Ohio, it was deregulate energy, and it led to an increase in prices. That's what has happened.

So we have this destabilized market here in the United States now, not knowing what is going to happen from one day to the next, losing businesses that were around since before the Great Depression. A long history of stability has been destabilized by the Republican agenda.

Now, look at all of the different things that have happened. I think this is the issue, the point. In 2000 the Republicans controlled the House, the Republicans controlled the Senate, the Republicans controlled the White House, and look at what has happened. Look at what has transpired in the past 8 years with President Bush.

The only sign of any movement in another direction is when the Democrats took over the Congress a year and a half ago, with issues getting vetoed by President Bush. But look at what has happened over those years.

My point is, before I yield to the gentleman from Pennsylvania, is that we don't have to think about what America would look like with a neoconservative Republican agenda. We know. It has been implemented. And for all of our friends on the other side of the aisle to somehow erase history like you can erase your computer memory and think that the American people don't remember that they were in charge for all of these years and implemented their health-care policy, their energy policy, their education policy, their foreign policy, and where we are today on all of those issues, you don't have to believe me, you don't have to believe NANCY PELOSI, Mr. Speaker, you don't have to believe JASON ALTMIRE, these are two diametrically opposed philosophies on how to govern.

As you stated, in the 1990s with the Democrats in charge of the Congress and the Presidency, it passed a budget that led to the greatest economic expansion in the history of the country, 20 million new jobs. And you look at what President Bush did with the Republican Congress: Took us right off the cliff.

We were talking about in the Clinton years what we were going to do with the surplus. One of the debates that President Clinton pushed forward was save Social Security first. So he was going to take this money and put it into the Social Security fund so we didn't have all of these IOUs for all of these years.

Now the question in Washington and in Youngstown, Ohio, and in Georgia and in western Pennsylvania, here is the question: What if the Republican Party had their way when they wanted to privatize Social Security? Imagine, with everything that is going on in the market today, if President Bush and Senator MCCAIN and all of the House Republicans who were down here on the floor fighting for a Republican privatization scheme for Social Security, imagine if that last base security system that you have in place here, the American people have in place, was all in the stock market today? Just think about what a radical idea that is.

Mr. ALTMIRE. The gentleman sets me up perfectly because that is exactly the point I was going to try to make. When the gentleman from Ohio was talking about the policies of the past Congress and this administration and things like the energy bill of 2005, we have empirical evidence, what is the result when this Congress took action, passed, sent to the President and was signed into law? Well, gas prices skyrocketed, dramatically increased our dependence on foreign oil.

So what is the impact on our economy by the economic policies that were carried out under this administration? You could not have more of a stark contrast in evidence, the way that the economy boomed in the 1990s and what we are seeing here in the last 8 years.

As I mentioned earlier, the economy over the past 8 years is driven by the stock market, and the stock market is up less than 1 percent over 8 years, almost exactly today where it was 8 years ago.

The point I was going to make is we can lament, as the gentleman and I have done many times, the policies of the past and look for ways that we can solve the problem moving forward. But let's not forget a crisis that was averted by the American people, a policy that was thankfully not carried out.

This President, in the previous 6 years in Congress before the new session came in, tried desperately to privatize Social Security. President Bush, you'll remember, around 2004, 2005, and Vice President CHENEY traveled all around the country with their dog-and-pony show and charts and graphs talking about Social Security, privatizing Social Security, putting some of the money that is supposed to go, as it has always gone, into the pockets of senior citizens and instead putting that in the private market.

We already have ways to invest in the private market, and we certainly encourage people to do that. And one of the things that we are going to do moving forward is figure out a way to further incentivize private savings through 401(k)s and IRAs and all the rest. The point is that is not what Social Security is for.

If there was ever any doubt that was a good idea, and the American people certainly cast judgment upon that, imagine, I would ask my colleagues when they go back home and talk to their constituents, imagine if you had to retire and you reached the age at which you were going to start to claim Social Security at some point in the past 8 years.

If you were retiring in 2000 and that stock market had just gone up 226 percent over the past 8 years, boy, that was a great deal. That was quite an investment. It would have worked out just fine for you. But if you are one of the millions of Americans who would have qualified for retirement age in the past 8 years, maybe that wasn't such a good idea after all. You wouldn't have even got a cost-of-living adjustment. You would have flat-lined.

□ 2100

And that's certainly unacceptable with our Social Security.

I would yield to the gentleman from Ohio.

Mr. RYAN of Ohio. The point I want to add to what you're talking about is, what if this would have happened?

It seems like we always have people in Washington, if something major happens, like a major insurance company or a major investment company or a major bank, it's like Washington, D.C. will step all over each other as to who's going to help them first, who's going to bail them out, who's going to give them something to make everything all right. And I don't want this to sound like we don't understand the ripple effect of what could happen if some of these entities aren't helped. We understand that.

But when it was the average person who made a mistake with their housing loan, hey, you're on your own. Pull yourself up by your bootstraps.

Well, Lehman Brothers, you pull yourself up by your bootstraps. Merrill Lynch, you pull yourself up by your bootstraps.

I'm not saying you don't need to take responsibility for your actions because you certainly do. But when we needed to help 10 million kids get health care through the State Children's Health Insurance Program, President Bush says we don't have the money. $35 billion over 5 years. We spend $10 billion a month in Iraq, but the President and a small group of radical Republicans in the House said we don't have the money for this. It's too much. It would be 3½ months in Iraq.

But if something like this happens where we have all this, a big major financial company, something happens, well, here we are, all of a sudden we've got more money.

Think about what the Republican Congress and Republican President did to our financial situation, not just how they destabilized the markets. I don't know if you got into this, Mr. ALTMIRE, before I got here or not. But think about what they did. They raised the debt limit five times. Maybe six. I may be missing one. Five times. They borrowed $3 trillion from China, Japan and OPEC countries.

Now you want to talk about putting the next generation behind the eight-ball, go borrow $3 trillion from our biggest competitor in China and watch them wipe out manufacturing in Pennsylvania, in Ohio and all over the industrial Midwest.

Don't regulate the markets. Don't invest in education. Make tuition costs go up 8, 9, 10 percent a year all over the country. The Pell Grant was almost meaningless. Student loans were 6.8 percent last year.

All of these issues add up to saying they weren't paying attention. Their philosophy of government just doesn't work. That's what this whole thing says.

We're joined by the gentleman from Colorado, the host of the Democratic National Convention. I yield to Mr. PERLMUTTER.

Mr. PERLMUTTER. I thank my friend for yielding. It's a pleasure to be here with the 30-somethings, even though I don't fit into that category and haven't for some time. But this subject is so important, what you two are talking about tonight.

We have a regime in place, in the personalities of George Bush and DICK CHENEY, that can't be described in any other way than radical because we've got to go back to some basic principles of our country, some basic values, the basic values that we were founded on, of thrift and sacrifice, of investment, of opportunity for all.

But instead, what we've seen in the last 8 years that this administration has pushed and promoted was a greed and gamble, immediate gratification, the theory that I want it now, and I'm not paying for it; my kids or your kids or somebody else is going to pay for it later.

To have these tax cuts and prosecute a war immediately turned this country's budget upside down. So you start with that failure. And we've been running behind ever since.

Then you forget about the lessons of the past. Now these guys wanted to reverse everything that's happened for the last 70 years, since the thirties. We came through the roaring twenties. We had our Calvin Coolidges, we had our Herbert Hoovers, and we paid dearly during the thirties because we understood at that point that we're going to give up a little bit of the upside so that we don't have the misery of the downside. But those lessons were lost on our friends in the White House.

They said, no. Let's not have any kind of regulatory, any kind of constraint on the system.

Mr. RYAN of Ohio. Can I add one point?

Mr. PERLMUTTER. Yes.

Mr. RYAN of Ohio. DICK CHENEY said debt doesn't matter when he first got into office; debt doesn't matter.

Mr. PERLMUTTER. Debt does matter. And my friend from Pennsylvania was talking about how each of us has to live with the debt that we develop, or our borrowing affects us. It affects this Nation. This Nation has been on a drunken stumble through Wall Street down Main Street.

Instead of doing the sacrifice and the thrift, we've been borrowing and spending. And I say we. George Bush, DICK CHENEY and the Republican Congress established this kind of an approach, and it has set our country back so that we are a Third World Nation, borrowing from China, borrowing from the Middle East, borrowing from our friends in Europe. And we really are behind the eight-ball because when they don't loan we have trouble, a la, we've had AIG which we've had to bail out; Fannie Mae, Freddie Mac, and on down the line. Bear Stearns.

We've had a radical regime. We can't have this radical kind of an approach anymore. But JOHN MCCAIN wants to subscribe to what George Bush and DICK CHENEY have been pushing on this country for the last 8 years. This country can't handle that anymore.

We have to have a change. And we have to have a future that really looks at new ways to develop our economy and understand that there have to be

some constraints. The free market isn't perfect. It works well, but it isn't perfect because we all have some tendencies that go against those basic principles of sacrifice and thrift and investment and opportunity for all.

So what I look forward to, and BARACK OBAMA intends to develop, is a new energy economy. That will put a lot of people back to work, and it'll help us so we aren't hooked on one product and subject to ransom when we go to the gas pumps.

We've got a lot of work to do ahead of us because these guys, in 8 years, have turned this country upside down. We can't allow it anymore.

We need a change and we need a new direction, and we need it right now. Luckily, we've got an election coming in 40 days or 48 days. And this country can renew itself, can rejuvenate itself. That's the promise of America, thank God. That's the promise for America.

Mr. RYAN of Ohio. A lot of us were saying in the 2004 elections that if you re-elect President Bush, you will not recognize this country in 4 years. And sad to say, here we stand, here we sit in America thinking, you know, the stock market is under 10,000, unemployment is up again. We borrowed $3 trillion. President Bush and the Republican Congress have borrowed more than any previous administration in Congress, combined. Still $10 billion a month in Iraq, and no end in sight with what's going on. It's getting to the point where we can't recognize what we're doing, and it's critical what's happening to this country. It's sad what they have done.

Mr. ALTMIRE. It's worth mentioning, both of the gentlemen, I'm sure, remember, early in this session of Congress, in the beginning of 2007, we wanted to work with President Bush on a way to stabilize and shore up Fannie Mae and Freddie Mac. We, as a Congress, went to the administration and said, look, there's going to be trouble down the road if we don't take action. Will you work with us on that? And President Bush said, no, I'm not interested in that and I won't support that. So away we went.

And then we came to the beginning of 2008, the economy starting to take a dramatic turn for the worse, so working together in fairness, in a bipartisan way, the House and Senate, with the administration, Republican and Democrat alike, and we put together very quickly a stimulus package to put money immediately in the hands of people who needed it, who were going to put it into the economy, get the economy jump-started, and it worked. If you look at the second quarter, we had an up tick in the economy because of the work that this Congress did.

Well, part of the stimulus that was not included, we, again, went to the administration and said, you know what? Can we revisit that issue that we asked you about a year ago? Can we revisit the Fannie Mae and Freddie Mac issue, because we really see trouble on the way here if we don't act. Again we were told, well, we're not interested in including that in the stimulus.

And guess what happened?

Now there's a multibillion-dollar bailout of Fannie Mae and Freddie Mac that's taken place. The government actually had to come in and take over those two GSEs.

Mr. RYAN of Ohio. I just love how our friends say, oh, this is going to be socialism. You try to provide health care for 10 million kids. It's going to be socialism. We can't do that.

Or if you try to provide any kind of preventative health care for women, it's going to be socialism. Don't you dare do it.

But then we're taking over major investment groups, financial groups, just taking them over. Here's billions of taxpayer dollars. We're now investors in all these things.

But we want to invest in the 10 million kids, Mr. ALTMIRE, and we don't have the money to do that.

Mr. PERLMUTTER. Would my friend yield for a second?

Mr. RYAN of Ohio. I would be happy to yield.

Mr. PERLMUTTER. But that goes to another basic value that they have that just is wrong. They want to focus on the wealthiest 1 percent. They don't care about the 99 percent of hardworking Americans who are affected by this. It's hardworking America that are going to have to pick up the pieces after this administration. And really it's going to take all of us, in concert, together, pulling together, like only Americans can do, to deal with the shambles that we have, whether it's the way people were treated with Katrina, the fact that we have bridges falling down in Minneapolis, I mean, this is a time when we all have to pull together, and we have to look forward.

We can't go with the same old policies, the same old approaches of the Grand Old Party. It just doesn't work. We're in a new century, and it is time for some new ideas because we've got to move forward.

Mr. ALTMIRE. The gentleman reminds me of a point, which I meant to bring up, that I'm amused when I hear the discussion about, is JOHN MCCAIN's economic policy identical to George Bush's economic policy? Is he a third term of George Bush?

The fact is, readers of history will know, actually, if you go back and look at the economic policies of Warren Harding and Calvin Coolidge and Herbert Hoover, you'll find a lot of similarities in what happened over the previous 8 years, the mistakes that were made with the lack of regulation.

I talked earlier that it wasn't, for the most part, deregulation. It was nonregulation. We didn't take regulation away that existed. There was just never any regulation at all; very similar to what took place in the 1920s, leading up to the calamity of the Great Depression.

So I would ask readers of history and people who are interested in this subject, compare the economic policies that have led us to where we are today through President Bush and what Senator MCCAIN is proposing to those three presidents I mentioned.

And I would just say, before I transfer to Mr. MURPHY from Connecticut, or Mr. RYAN, if you wanted to comment, but I get asked a lot recently, about bailouts of these three big companies, Fannie Mae and Freddie Mac and then AIG and Bear Stearns before; and what's the reason that we picked those while we let Lehman Brothers go under, and who's minding the store here, and why are these decisions being made, and who's next. What's the next shoe to drop is what you hear.

This is a systemic problem. This is not a problem with individual financiers. This is not a problem that Bear Stearns had all on their own or AIG had all on their own or Fannie Mae and Freddie Mac. This is a systemwide problem that needs to be dealt with, and we can't continue to take a piecemeal approach and decide on a day-by-day basis who survives and who doesn't.

Well, Lehman Brothers, you can go under. We're sorry. But today we're going to bail out AIG, the next day.

We can't continue down that road. We have to address the systemic root of the problem to prevent this from happening. The first thing is to stabilize.

I'll go to Mr. PERLMUTTER, and then we'll go to Mr. MURPHY from Connecticut.

Mr. PERLMUTTER. I'd just like to make two points. And it is the administration that is choosing who lives and who dies. I mean, this really is about winners and losers, and this administration is choosing Bear Stearns, does not choose Lehman Brothers, chooses Fannie Mae, doesn't choose Merrill Lynch, chooses AIG.

□ 2115

It is not a congressional action. These are happening within the administration. They're making these choices. Now, maybe we would agree, but we're not given that chance. They're doing these things overnight.

Now, there's a Latin saying, ''Res ipsa loquitur.'' Now, many might say, what the heck does that mean? It means, the thing speaks for itself.

What's happened in this Nation with these two guys, these two oilmen in the White House leading the charge, this country has turned upside down. And they may want to spread the blame to whoever. You know, Harry Truman had the old saying, ''The buck stops here.'' Those guys would like to spread the blame. They're the leaders, and they've led us down this path.

JOHN MCCAIN wants to follow that Bush path. He's trying to run away from it now, but his votes were with the Bush administration over 90 percent of the time. We have to have a change.

Mr. RYAN of Ohio. And how many times do you hear our friends on the

other side say, ''Government shouldn't pick winners and losers,'' ''Government shouldn't pick favorites,'' you know, ''Government has no business picking out this kid should succeed and this kid's not going to have the same opportunity,'' ''Government has no role there''? Unless it's Wall Street.

Now, who do we need to help to keep things rolling? And as we've said, I'm not saying that this is necessarily right or wrong. What I am saying is this is a pretty complicated mess that we are in. And we're not saying that you shouldn't get the buckets and go down to the river and fill them up with water and throw water on the house that's burning. That's not what we're saying. What we're saying is you're supposed to have a fire code, and you're supposed to have fire trucks, and you're supposed to have, you know, gas in the fire truck and equipment for the firemen.

Mr. PERLMUTTER. And the best firefighters you can have.

Mr. RYAN of Ohio. And the best firefighters you can have.

Mr. MURPHY of Connecticut. The Wall Street fire department is well-equipped. The Main Street fire department, it's gone underfunded and undermanned and unequipped for the last 12 years, particularly for the last 6 years.

We were very quick to go and help out our friends on Wall Street, but everybody sat here with their hands, you know, on their seats, tied behind their backs, when all these families needed a little help, when a kid who couldn't get an education in an inner city needed to access the apparatus to opportunity that all the rest of us had, when that small business that was about to go under because it couldn't find the health-care insurance to keep its employees on staff needed a little assistance. The little guys, when they needed the fire trucks, they weren't there. But when the big guys needed them, they got there.

And so I think you're exactly right, it's just a matter of consistency. Listen, government certainly can be an agent of help to people who need some assistance. But it shouldn't just be the big Wall Street firms. It should be regular, average, everyday families out there.

And to Mr. PERLMUTTER, just a word of warning. I know you're sort of new to the 30–Somethings here, but we don't use Latin. It's just a rule, and I hope you will take that under advisement if you join us from here on out.

Listen, I thank my friends for letting me join a little late here. I just wanted to maybe add one thought to this, and maybe you have covered it already. But I think people are searching today for the reasons, as Mr. ALTMIRE said, as to why last night AIG got the brass ring. Now, why did they get help and Lehman Brothers didn't and IndyMac didn't? Exactly why did they get help?

Well, part of it I think is that this is a company that does tremendous international business. This is, at some level, a representation of American economic power throughout the globe, economic power that has been so greatly compromised by this administration as we have sold this country to foreign banks and foreign governments, that part of the reason, I think, that we have decided to choose AIG is because we are in such a precarious situation with regard to all of the foreign lenders and foreign governments that hold our currency, that hold American money through the $9 trillion, $10 trillion that we have given out in notes through the Federal debt, that we are now in a crisis position, that when an American firm that is a representation of our power across this globe comes under threat, we have to prop them up. Because if we are seen as economically weak around this globe, those countries are going to start calling their notes, those countries are going to start asking for their money back.

And that's when the real economic ruin happens, when the $9 trillion that we have out to lenders across this globe, the record amounts that foreign governments hold, when they start to call in that money that the Bush administration and the Republican Congress sent out to them in record deficits and record debts, then we're in real trouble.

And so part of the reason I think we're standing here and trying to answer the question as to why AIG is at the top of the headlines is because we are trying now to make up for the terrible economic policies of the Bush administration that JOHN MCCAIN seeks to perpetuate.

Mr. PERLMUTTER. What I was going to say is we are in a predicament, and there is a crisis of confidence, both domestically as well as around the world, because of so many steps that this administration has taken, whether it's to go into Iraq, whether it's, you know, how we dealt with Katrina, all of this mismanagement and unregulation or nonregulation or anti-regulation of the financial markets.

The good news, the good news about our country, the good news about America and Americans is that, with good leadership, we can do anything. Times of crisis are also times of opportunity. With good leadership, we can have this new energy economy, we can innovate, and we can be ingenious, and we can imagine things that will really transform this country and this world.

That's the kind of vision that is necessary, and we're not going to see that with the other side. Those are old policies. Those are old answers. That's the old way.

Mr. RYAN of Ohio. They had the opportunity to do it. They were in charge of everything.

Mr. PERLMUTTER. And they couldn't do it. In fact, they did just the opposite.

Mr. RYAN of Ohio. Just to highlight how radical of an agenda our friends on the other side have, the one thing—deregulation or lack of regulation, whatever the case may be, and then ignore the warning signs, as Mr. ALTMIRE stated, with Freddie and Fannie, ignore the warning signs about the mortgage crisis that's coming, and to then also to have as a part of your philosophy, deregulation, ignore the warnings, let's put Social Security in the stock market too. That is the Republican agenda.

We, with the 30–Something Working Group, started to fight President Bush's Social Security privatization scam. The first time I walked on this floor to speak was 4 years ago or 5 years ago when President Bush wanted to start the Social Security privatization, and then-Minority Leader PELOSI asked KENDRICK MEEK and I to come here and to combat it.

Now, can you imagine if they had won that battle down here, that monumental battle? Your parents' and grandparents' Social Security would now be sitting in Wall Street in a deregulated market that looks like the Wild West with a Starbucks, is what it looks like.

Mr. ALTMIRE. And when I go back to western Pennsylvania and they hear the word ''regulation,'' small businesses and families, they get a little nervous, rightly, because in a lot of ways we are over-regulated in this country.

And I want to just, before we close here, I want to make sure everybody understands what we're talking about. We're not talking about the small businesses. We're not talking about the small corner bank. We're talking about the huge Wall Street financier, the conglomerates, these people who are getting the $30 billion golden parachutes when the CEO gets canned.

The small businesses in this country, the reason you're having trouble in the credit market right now, the reason you may not be able to get loans for capital development and whatever else it is that you're working on is because the intra-bank lending, the staple of our economy, bank-to-bank lending, is frozen. The credit market is in crisis and it's frozen, and that's affecting small businesses.

Mr. MURPHY of Connecticut. I just wanted to throw something on top of that, just to give you an example. You're giving one kind of example. Let me throw another one on, as to what it means when you regulate the small banks but you don't regulate the investment banks, you don't regulate the Fannies and the Freddies of the world.

Local banks are still in business, largely, because they have government regulation—sensible regulation, some of it; some of it a little bit too much—that requires them to be appropriately leveraged. They have 4:1, 5:1, 6:1 leverage rates. Fannie and Freddie had 60:1 leverage ratios, just unsustainable. The investment banks that went under, Bear Stearns, 35:1 leverage ratios, money they didn't have. So that's what we're talking about here.

We need to do something about the regulatory burden that is crippling a

lot of those small businesses. But we need to understand that it's really the big guys that need to be part of the conversation that the small businesses, the small banks have been a part of for a long time.

Mr. ALTMIRE. That's exactly what I want to clarify, and I thank the gentleman.

We're talking about asking the big Wall Street firms to comply with the same rules and regulations that the small business, that the corner banks have to comply with. Now, it's not exactly the same, and we understand that. But I understand the fear that it strikes in the heart of ordinary Americans when we start talking about the word ''regulation.'' We are not talking about everyday Americans. We're talking about what happens at the absolute top of the food chain.

These large banks and institutions that you see right now that are teetering on the brink, the Lehman Brothers of the world that are no longer part of the process now, and the ones that we have to come in and bail out with an $85 billion bailout at taxpayer expense, these are things we want to avoid. So that's what we're talking about. We are not talking about the small businesses and the corner banks.

Mr. PERLMUTTER. I just think one last comment I'd like to make is that there has been a transfer of wealth the likes of which we've never seen in this country. Whether it's to the big oil companies or to some of the Wall Street firms and to other nations, that has come out of the pockets of middle America.

And it is time that we come up with new ways to power this Nation. It is time that we, this country, instead of living on a borrow-and-spend philosophy, which is what has been the Bush administration's approach and is what MCCAIN wants to pursue, that we start remembering the values that made us so strong, of thrift and sacrifice and investment, and opportunity for all, not just a select few at the very top.

The focus has been on the top 1 percent. It needs to be on the rest of America. And when it's there, that's when we're strong. That's when we are that shining light at the top of the hill, the beacon at the top of the hill.

We are a great Nation, and we have stumbled because of bad leadership over the last 8 years. But come November 4th, things are going to change, and we will have a new direction.

Mr. ALTMIRE. I thank the gentleman from Colorado.

Mr. Speaker, I thank the gentleman from Ohio (Mr. RYAN), I thank Mr. MURPHY from Connecticut, and I thank the Speaker for allowing us this time to discuss the economic crisis in this country. I think it's safe to say that this is not the last time the 30–Something Working Group will address this issue on the floor.

And I would also say that I do look forward to my good friend Mr. WESTMORELAND, who is going to come after us, and I'm sure he's going to have something to say. He sat patiently through the entire hour and listened to us speak, and I know he comes from a different point of view. And I would encourage those interested in this topic to listen to what he has to say as well. We've had many conversations about this and the energy issue and other things. So we look forward to hearing him.

ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 60 minutes as the designee of the minority leader.

Mr. WESTMORELAND. Mr. Speaker, I don't know how many people have been watching the last hour, and I don't know that I can straighten it out in the next hour. But I do want to start out with something that is kind of elementary, I guess, to most people, but I want to explain the makeup of Congress. And excuse my penmanship.

□ 2130

The House consists of 435 Members. The Democrats have 235, and that's because of the loss of the late Stephanie Tubbs Jones.

The Republicans have 199 Members.

You can see that the Democrat number is larger than our number.

To get anything passed in this body, it takes 218 votes. You can see that the Democrats have more than 218 votes. In the Senate, 100 Members; Democrats have 51, Republicans have 49.

The Democrats have had the majority in Congress since January of 2007. And so what that says to me is that all of the stuff that I have heard in the last hour, Mr. Speaker, if they've got all the answers, why haven't they been brought to the floor?

Now I'm sure that's a question that many of us are asking because if they are in control and they've got all of the brilliant ideas that's going to save the world, then why haven't they brought them to the floor and put 218 votes up to pass it out of the House? That's got to be a question on a lot of people's minds.

Now in order to gain the majority, there were some things said and some things promised during the campaign cycle that led up to the new majority.

Here is one of their promises: ''Members should have at least 24 hours to examine bill and conference report text prior to floor consideration. Rules governing floor debate must be reported before 10 p.m. for a bill to be considered the following day.''

This was Speaker PELOSI in a New Direction for America, 2006.

Let me say that the sham of an energy bill that was brought to this floor yesterday was presented the night before to the Rules Committee at 10:45. This is just a little example of what we've been faced with and the fact that the new majority won that majority by saying such things as this that the people believed that they would actually carry on.

I will tell you that this is not a rule. They did not make this a rule. This was one of those empty promises.

Let's look at something else. Speaker PELOSI in 2006 before they gained the majority: ''Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute.''

Since the new majority has been in in 2007 and 2008, they have had over 60 closed rules, which means that there are no amendments, you can't bring your ideas here and have them openly debated. The last energy bill that was here was one of those rules. I might add in the 109th Congress when Republicans were in control, we had just about half of that amount in closed rules.

Now here is the thing that I think that most people will get a grasp on, Mr. Speaker. This was by Representative PAUL KANJORSKI when he was in his hometown after becoming the majority. He was in his hometown, and he was asked about the Democrats' promise to bring back the troops from Iraq. And as he was talking—but this kind of relates to everything that has been said by them to gain the majority—before he said this, he said, ''In our desire to win back the majority, we sort of stretched the truth and people ate it up.''

Well, you know, that's something.

But then we got to the point where we're at today with the energy crisis. In 2007 when the Democrats took over, gas was about $2.10 a gallon. Unemployment was 4.5 percent. Today, gas is over $4 a gallon and employment is 6.1 percent, but yet they want to blame the Republicans. Now they're constantly blaming President Bush. I don't know, Mr. Speaker, but I have never seen President Bush in this body casting a vote.

In fact, if you've studied your government, you know that there's an executive branch, there's a legislative branch, and there's a judicial branch. The legislative branch is responsible for making laws.

Now if you go back to the first chart, you can remember that they have more than enough to pass anything that they want to in this body, and they control the Senate.

So what is the problem? We don't know. We want to understand why we are constantly being blamed. They talked about the economic problems. They've been in control since January of 2007. They passed a housing bill that gave Secretary Paulson the ability to do what he's doing with some of these bailouts. The majority of Republicans voted against that bill. So when are we going to take some responsibility and stop all of the blame shifting?

We've got some Members here tonight that might want to explain some of that to you because it's a problem when the people in control want to blame somebody else for their problems. I heard them mention the SCHIP. Why didn't they proceed with it, continue on with that leadership if they thought that was the right thing to do rather than caving? No idea. I have no idea.

Why have they not done some of the other things that they talk about that would help with the economic crisis that we find ourselves in today? Hopefully we will give you some of those answers.

Now I would like to recognize my good friend from the State of Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding.

I want to start by saying I have been here in the House for 14 years, and I do not believe that either party has an exclusive on integrity or ideas. I think that both parties have plenty to improve on, but I wanted to come tonight to say that not a single issue in many months, if not years, has so divided the two parties down the lines of what is best for America and what's best for the special interests in this issue of energy, because I really believe that extremism is what is causing the majority party to be in retreat from serving the needs and meeting the needs of the American people.

I'm talking about environmental extremists, and I say this with great respect because I think conservation and preservation and environmental responsibility are very important. And I have an excellent record of supporting all of the alternatives on energy as the cochairman of the Renewable Energy and Energy Efficiency Caucus here in the House for 8 years. I have helped lead the tax incentives for renewable and energy efficiency programs, helped put it in the Energy Policy Act of 2005, one of the most significant developments in the history of our country for these alternatives, and I believe in these programs.

But I have to tell you, when it comes time now at this critical moment in American history for new energy capacity and new production at a time where the prices for consumers are unsustainable, environmental extremism, which is a special interest—when you look at the Environmental Defense Fund and Sierra Club and all of these entities that are filing suit to keep our country from going after new supplies, which does directly bring prices down for regular people who are hurting badly, then extremism and special interests are trumping the will of the American people.

And that's where, frankly, a very liberal mindset from places like California should not dictate national policy that impacts consumers in Tennessee. And that is happening today.

Monday, the price of gasoline in Knoxville, Tennessee, was $4.99 a gallon. Let me tell you that is $2.50 above sustainability based on market conditions and our economy. And something has to give. And the American people are on our side. And what happened here last night was extremism and radicalism trumped mainstream values and positions for the American people.

Then I was asked today on National Public Radio why then would the majority party tomorrow bring up this issue of speculation in the marketplace again on energy when we've already voted on that earlier in the year. And the reason is they are reeling over what happened last night where, as Members are going to tell you and even call people by name, dozens of Democrats that cosponsored a reasonable compromise bill that we offered last night in the only option we had to offer an alternative, cosponsored this mainstream, compromise, middle-ground bill and then voted against it so that they could protect the liberal, California-driven, no-energy bill, which is the equivalent of drinking out of a straw when our country needs a fire hose right now. Right now.

And these hurricanes prove again any refinery capacity lost, any natural disaster, any disruption can cripple our country overnight.

We need to diversify our supply, increase our supply, have a robust, manufactured-driven economy where we are solving our own energy problems and providing these solutions to the world. We can do it. I have got to tell you we have candidates at the Presidential level, here in the Congress, that are willing to do this. But last night we were stymied by a majority that's in the back pocket of the extremists. And that's the truth.

Now I am about as nonpartisan as anybody can be in this body and be in one party or the other, but that is now happening, and it's very frustrating because people are calling me from all across my district saying, ''Why are you not doing something about it?'' And we are trying.

Last night was a closed rule. No options, no alternatives except the one alternative, which was a bill sponsored by Members of both parties, written by Members of both parties. And the very people that sponsored it in the majority party voted against it so that they could protect themselves.

And then tomorrow they're going to then change the subject to try to get the message back on Wall Street in a week where Wall Street, obviously, is suffering more and more losses, and I will guarantee you the conservatives in this body, people like me and the people on the floor tonight, are not supporting bailouts and not supporting propping up corporations that lent more credit than they should have. We're not for bailing out anybody, and they're going to try tomorrow to convince the American people that this is still all about Wall Street investors running up the price of oil instead of the radical groups keeping us from going after energy supplies in our country.

We need the alternatives, we need the investment; but what are we going to do in the meantime while we're bringing those to the marketplace? I'm not talking about months; I'm talking about years before we have those alternatives ready for the market. And what do we do as a transition, a bridge to get there? Increase capacity. Prices will come down as we increase the capacity. The energy that we have at our disposal—and we need all of it, all across the Outer Continental Shelf, not 50 miles offshore. It limits it to just a little bitty amount, and then the lawsuits just will be filed. Four hundred and eighty-seven Outer Continental Shelf permits are under litigation, immediately sued by these radical groups.

So to the average American, understand: extremism on policies like this, locking up our energy resources, have brought us to our knees and we actually have to have some kind of explosion here on the floor of the House for the majority to let us unleash this and send a bill to this President who will sign it. And they knew that last night if they would have allowed their own Members who cosponsored this bill to vote for it, we would have something working through the Senate, the President would sign it, and we would begin production. And as soon as we go after this new energy, the prices will come down.

□ 2145

Now, that's where we're at.

And I hate to just be that critical of the other side, and I rarely am, but tonight, this is the moment. And we've got to keep this issue out there because they're looking for ways to cover it up and go home. And tomorrow, it's change the subject. It's about speculation, or then it's going to be about price gouging, or all of these diversionary tactics to keep the American people thinking that it's something other than production.

And right now it is production. We need to go after it. The American people get it, but we need to let them know exactly what happened here this week in the House of Representatives.

Mr. WESTMORELAND. I thank the gentleman from Tennessee.

And I wonder if the $9 billion bailout of IndyMac, the $29 billion bailout of Bear Stearns, the $85 billion bailout of AIG, the $200 billion bailout of Fannie Mae and Freddie Mac, which, under that bill, is some of the ability that they gave Secretary Paulson to do some of these bailouts. Also, the $300 billion exposure that they gave the American taxpayers to expand the FHA to refinance problem mortgages, and now they're talking about a $25 billion bailout for the automakers. So the gentleman from Tennessee has some great points.

But let me speak to the energy thing that he mentioned. In the bipartisan bill, there were 25 of the 35 Democrats

that sponsored this bill that voted against it; they were actually cosponsors. But let me tell you where a little of this makeup comes right quick.

Energy crisis: ''There is no energy crisis on our side of the aisle.'' And that was from a Democratic House aide that was written in the Politico on August 5, 2008. Also, according to Speaker PELOSI, ''If Democrats relented on drilling, then we might as well pack it up and go home.'' That was from July 11, 2008. Then we've got, ''This is a political month. There's all kinds of things we try to do that will just go away after we leave.'' And that's Representative JOHN MURTHA.

And if I could, Mr. Speaker, I would recall you to the quote that Mr. KANJORSKI said: ''We kind of stretched the truth, and the people ate it up.'' So this makes me believe that what we've done here, just the sham that's gone on, might be just to fool people until after we leave.

''This is all about politics, not necessarily about policy.'' And this comes from Karen Whalen, who is with the Natural Resources Defense Council, that she spoke of in September.

Democratic Senator MARY LANDRIEU, on the Democrats' latest energy plan, said, ''It is dead on arrival in the Senate.'' So when they passed this sham of a bill last night so they can go home and say that they passed an energy bill, even their own party in the Senate recognizes that this thing is dead on arrival. And some of the other comments, it was just politics, it is election-year stuff.

Now, this is the last quote I'm going to show you tonight from Speaker PELOSI, but her quote is, ''I'm trying to save the planet. I'm just trying to save the planet.'' Well, we wish that her and the Democratic majority would try to do something to relieve everyday Americans of the pain at the pump that we're facing, the loss of jobs that their economic policies that they've passed since they've been here have created, the fact that gas has been from a little over $2 to over $4, the fact that 17 of the refineries were closed down with Hurricane Ike and the 3,200 drilling platforms because they are in the direct path of hurricanes, when we could be expanding our energy resources to the east coast, to the west coast, to Alaska, where these hurricanes don't normally hit.

So keep in mind, Mr. Speaker, that Speaker PELOSI is trying to save the planet and not help the everyday American that is feeling the pain at the pump.

Now I want to recognize our distinguished policy chairman of the Republican Conference, the gentleman from Michigan.

Mr. McCOTTER. I thank the gentleman from Georgia.

And I think you've hit upon, with the quote from Speaker PELOSI about trying to save the planet, one of the fundamental problems that we've run into trying to come up with a sound energy policy for the United States.

As the gentleman from Tennessee talked about, we want a bridge. We want a responsible transition from where we are today to where America becomes energy-independent and secure. We believe we need maximum American energy production, commonsense conservation, and free-market, green innovations to provide that responsible transition that does not allow for the callous infliction of economic pain upon the American people.

And when you think about what we hear in phrases like, ''I'm trying to save the planet, I'm trying to save the planet,'' what we're really hearing is that the party that was elected to lower our gas prices, the Democratic Party, has made a subtle shift in what they're trying to accomplish. They're now trying to break us off our addiction—not to foreign oil simply; they are now trying to break our addiction to oil.

So, in short, their solution to the problem of high gas prices is to make sure that no one has access to any gas at all. And that's why another quote, which I'm sure you'll put up, is that they have described, in their own Democratic staff's words, ''Drive smaller cars and wait for the wind.'' This is not a responsible solution.

Like many people, when I was growing up—I'm 43—I remember something called the ABC Wide World of Sports. I remember ''The Agony of Defeat.'' And I used to like Evel Knievel. Now, there was one time when Evel Knievel, instead of just jumping over cars and busses—you know, he worked for a living, it's tough work; if you can get it, it pays well—he was going to jump something called the Snake River Canyon. And I remember watching this on a little, tiny TV screen with my dad. And my dad looked at it, just looked at Evel and his little suped-up motorcycle, he looked at this enormous Snake River Canyon, and my dad said, ''That boy ain't gonna get there from here.''

And when I think of the Democrats' energy strategy, whereby we have no domestic production of our own natural resources from the Outer Continental Shelf, from ANWR, from anybody else, anywhere else, and they tell us, we're going to fix this with green technological innovations, it's going to be magic, I think of poor Evel Knievel. The only difference is that, in trying to jump immediately, cold turkey, from our current petroleum-based economy into some distant green future where we do not need our own domestic energy resources, is we are not simply taking the American people over the Snake River Canyon, the Democratic majority is pushing them over an economic cliff. And they are already beginning to see where the abyss lays every time they drive by and buy gas at the pump.

Now, as we heard about the process last night, people think, why does process matter? I don't know. It seems to me that as a sovereign citizen of our free republic, we live in a democracy for a reason; that the will of one person will not be imposed upon any sovereign citizen of the United States, certainly not by the subservient Members of Congress because we work for these people. These people are our bosses, and they want their voices heard on the floor of this House. And on an issue as critical as American energy and how we transition to a secure future not only for ourselves, but more importantly, for our children, they expect to have their voices heard through their elected representatives.

And as the gentleman from Georgia pointed out, we heard several promises about what an open process this was going to be, how every vote was going to count, how every voice was going to be heard and we would come together in a bipartisan fashion to serve the American people. And yet, what did we see? We saw a bill drafted in the dead of night by a Speaker, handed to her Rules Committee, no amendments allowed, and voted, rubber-stamped by her Democratic Congress, with no debate on this floor, no dissent about amendments, no chance to offer alternatives, no committee process. Silence, silence, in terms of input on this bill.

And then we saw something that I thought I would never see. We saw 24 people who had co-sponsored a bipartisan bill, who had sang its praises to their public and to the rest of the American people, and they voted against it—and I didn't really hear a good reason put forward—so they could pass a sham drill bill.

Now, we've heard a lot about why the Republicans didn't do certain things over the course of their majority. And we paid a heavy price—and a rightful price, as many of us have admitted. We were put into minority, from majority to minority status by the American people, and we are learning a painful lesson. But let us not forget the people who obstructed a sound, sane, productive American energy policy for the entire time they were in the minority. They act as if they had no hand in it.

When we were in the majority, we tried, we tried mightily. Many times the House would pass legislation and it would get to the Senate, yet the Democratic minority did everything they could to prevent the expansion of American domestic energy production to the level sufficient that it would serve the American people and lower the gas prices. The only difference now that they're in the majority is they have to pretend that they're trying to lower them.

And that's why, when you pass a bill out of this House called a compromise bill when you have not talked to anyone on this side of the aisle about what goes in the bill, it means it's a compromise amongst yourselves. That is a unilateral compromise. So let's be clear about who compromised with who.

And then when it comes to the floor, it's called ''landmark legislation,'' it's

going to create jobs. And if you vote against this, you are a captive of Big Oil because you don't want to lock up 88 percent of America's reserves?

As our friend STEVE SCALISE from Louisiana said, the Democratic ''sham drill bill'' might as well have been written by OPEC; it's going to make them a lot of money when America doesn't produce its own oil and gas.

And the best part is their unilateral compromise the Speaker cut with whomever, they didn't bother to talk to the Senate. As Senator LANDRIEU from Louisiana mentioned, that bill is dead on arrival in the Senate. How do the statements we've heard yesterday, the justifications, the compromise, landmark legislation, when your own Democratic Senators think it's dead on arrival?

Where is the hope for the economically struggling families across America? Where is your sense of responsibility, not only to the people of this country, but to their House right here, to this institution? Where is the hope for the American people who are suffering under energy prices, skyrocketing since you took power in this place? There isn't. Because it's a sham.

And it is the Democratic Senate that will prove it. It is not Republican Luddites that don't want to go forward towards a more ''green'' future. What it is is the Democratic Senate telling the Democratic House we can't stomach your bill.

Now, the thing that I think that everybody should remember is there is a solution to this. If and when this happens, if the Democratic Senate refuses to pass the Democratic House ''lethargy bill,'' this Democratic majority here in the House, the Democratic majority in the Senate, this Democratic Congress can say we will not leave here until a real piece of energy legislation helping the American people is signed into law, until we have done the job we have been elected to do on behalf of the American people. I do not think that is too much to ask. I do not think that is something that the American people should be denied.

I yield back to the gentleman.

Mr. WESTMORELAND. I want to thank the Policy Committee chairman. And you're exactly right, we owe it to the American people to stay here until we can put our partisanship aside, do a bipartisan bill that the American people—and we thought we had that last night with the motion to recommit, with all the Democratic cosponsors that were on it—to have a bill that we could pass, send to the Senate, and hopefully get some agreement on.

But you mentioned the process, that the process is important because, you know, when the process is broken, the product is flawed.

Mr. Speaker, I don't want to get too elementary, but this is a book that we give to children that come to this body, and it says, ''How Our Laws Are Made.'' The beginning of a bill: Propose a bill, introduce a bill, committee action, subcommittee action. The bill is reported, considered on the House floor. Vote the bill. Refer to the Senate.

Now, Mr. Speaker, this is if we were going through the proper process that our Founding Fathers and people who had the idea—this is the process that was set up, and this is what we teach our young people that come to the Capitol.

Now, I will show you the chart that is being used right now by the majority. You have the beginning of the bill, propose a bill. And then you kind of go through the introduction, the committee action, the subcommittee action, and the bill is reported. It basically just kind of comes to the floor of the House.

So what we're teaching our kids is not exactly right. And so I think while the majority is in control of Congress, they may want to shift this a little bit and give the children a more accurate depiction of what's going on in the Congress.

And I will yield to the gentleman from Tennessee.

Mr. WAMP. Again, I am not critical most of the time of either party here in the House, but this is an inconvenient truth that I need to share as well. Because it's easy to forget now in September, but I've been on the Appropriations Committee for 12 years. Every year, by June, the Appropriations bills are moving through the House.

Mr. WESTMORELAND. How many do we have now?

Mr. WAMP. The end of the fiscal year is 13 days from now, and one bill has been off this House floor.

But here's what happened, beginning in June, is we started debating at the committee this issue of energy—because virtually every bill has a component of energy, whether it's the defense bill, where there is a huge energy consumption piece of all of our defense activities. And when we started debating energy at these bills, they stopped the process.

□ 2200

And we don't have the appropriations bills at all, and the fiscal year ends in 13 days.

Now, here is the problem with it because it gets really ugly. Even under a stopgap funding bill, like a continuing resolution which we're now expecting to carry us several months into the fiscal year, you won't believe the waste associated with the budgets of all of these agencies because they don't know what they're going to get. They may be laying people off now. We're already hearing about this because they don't have certainty in their budgets because the people running the House stopped the trains, stopped the process, stopped the bills over this issue of energy. They're in retreat on this issue of energy.

A lot of people criticize our party as the party of ''all about drilling.'' It's not just the drilling. What about nuclear energy? The very chairman of their new global warming committee, the gentleman from Massachusetts, is the most anti-nuclear activist who I know of in the country, let alone in the House. They're standing against nuclear and against a host of other alternatives, not just oil and gas.

It's the idea of, if you don't use coal and you don't use nuclear and you don't use oil, the alternatives will somehow surface, but I've got to tell you, when you limit your supplies, the lights go out, and the gas prices go up, and the availability of energy goes down. Consumers are hurting, and that's why we have got to get over this.

These, again, are special interests that have taken control through these people being elevated to power, and they just punt the process. We are not moving appropriations bills. The global warming committee now is kind of in the driver's seat. Let's just shut it all down, and we will reduce the carbon footprint, but at what cost—American competitiveness? American prices? Our ability to even survive? What about bankruptcies? What about the people? What about the common man who now doesn't even have a voice in this place because they're shutting down the process?

Now I've got to tell you that I haven't complained in 14 years, but it's time to complain. It's actually time to be righteously indignant about this and force them to stay here until we get something done, something real for the consumer.

I yield back.

Mr. WESTMORELAND. I'd like to ask the gentleman from Tennessee a question.

You're on the Appropriations Committee. On the bill that we passed here yesterday, I believe there were some appropriations in there or earmarks in there. I think there was $1.2 billion for Mr. RANGEL for the New York City liberty bonds. Was that not in the energy package that we had?

Mr. WAMP. Actually, our leadership raised that, and they just tabled it. They just quash it and go on. These are air-dropped. Again, this didn't go through the committee process.

Listen, if the Congress is going to exert its constitutional right to direct funding, there's a provision that you have to go through—the subcommittee, the full committee. It has to be vetted. It has to be filed. It has to be before the House, and people have to have the right to offer amendments to strike it. Did that happen yesterday? No, not at all.

Once again, these are the things that the American people are so angry about, and I've got to tell you that it's time for reform, but if anybody thinks reform is going to come from this new majority, they'd better think twice.

Mr. WESTMORELAND. Thank you.

Now it's my privilege to recognize the gentlelady—and I say gentlelady—from North Carolina (Ms. FOXX).

Ms. FOXX. Well, I thank my colleagues tonight for being here on the

floor, and especially, I thank my colleague from Georgia for leading this Special Order.

We've talked a little bit about the Constitution; we've touched on it. Our colleague from Tennessee is bringing wonderful energy to this issue of energy tonight, and I am so grateful for his being here because, as he said, he generally is not a very partisan person. He doesn't come here and talk very vociferously about issues that are before the House. He's doing it now, and you can tell he is really is passionate about this because this is a passionate issue for many of us.

Today is Constitution Day, and I think it's very important that we highlight some issues related to the Constitution as they relate to what happened on this floor last night and as to what has been pointed out tonight.

We have not followed the Constitution in the way that we should have followed it. We haven't followed the way the House has operated in the past. We haven't even followed the promises that were made by the Speaker in 2006 when she said this would be the most open Congress, that this would be the most fair Congress. Bills should go to committee. They should come to the floor and be amendable, but none of that has happened.

One of the things that bothers me the most about our not dealing with issues as they relate to the Constitution is how the Congress is trying to blame our President for everything bad that has happened in the last 2 years.

When I go out and talk to schoolchildren especially, I point out to them that the first article in the Constitution, article I, is about the Congress. That is not an accident. The founders wanted the Congress to be the strongest part of our government. We have three branches of government—the legislative, the executive and the judicial branches. They intended the Congress to be the most important. We're the ones who pass the laws. We're the ones who can make things happen in this country and who can make things happen in a hurry, but what the Democrats, who are in charge of the Congress and have been for the past 20 months, want to keep doing is saying, ''It's not our fault that these things are happening. It's not our fault.''

Ladies and gentlemen, it is their fault, and the blame has to be laid solely at their feet. Not only are they not taking on the responsibility to create more American-made energy, which will help every American in this country, but they seem to be almost anti American energy. We have been proposing that we be pro American energy. They are not.

Mr. MCCOTTER. Will the gentlelady yield for a question?

Ms. FOXX. I will yield for a question from my colleague from Michigan.

Mr. MCCOTTER. You've brought up the Constitution. Previously, we had heard throughout the energy debate that there is about $10 billion a month being spent in Iraq.

Will the gentlelady please tell the Democratic Congress who controls the power of the purse to appropriate those billions of dollars to Iraq?

Ms. FOXX. As, I think, most people in this country know, it is the House of Representatives. The founders specifically gave the power to the House of Representatives to start revenue bills. It is, of course, the House and the Senate which must vote on all bills, but it is the House of Representatives that must begin revenue bills.

Mr. MCCOTTER. Will the gentlelady please yield for one more impertinent question?

Ms. FOXX. I'd be happy to.

Mr. MCCOTTER. If the Democratic House and the Democratic Senate chose not to appropriate money to Iraq to the tune of $10 billion a month, could that money be spent there?

Ms. FOXX. No, it could not.

Mr. MCCOTTER. I thank the gentlelady.

Ms. FOXX. The President does not have the power to wage war without the consent of the Congress, and he could not fund any effort. He couldn't fund any department in the Federal Government without the consent of the Congress.

So, again, the founders set it up that way. They wanted the Congress to be the most powerful branch of the government, and the Congress is the most powerful branch.

What has happened in the last 20 months since the Democrats have been in charge of the Congress? Let's look at the unemployment rate. It has gone up. It was very, very low in January of '07. It has gone up over a percentage point, in fact, about a percentage point and a half since the Democrats have been in control. Look at the price of gasoline and how it has gone up since they have been in charge.

What were they doing as these gas prices were going up? Voting on bills like declaring National Passport Month, National Train Day, Great Cats and Rare Canids Act where we appropriated either $20 million or $50 million to other countries to help them identify rare cats in their countries. Then the favorite of most people is the Monkey Safety Act, which also appropriated, I think, about $50 million to teach people how to handle monkeys safely in this country.

The Congress, the Democrat-controlled Congress, has abrogated its responsibility for taking care of this situation. It has turned its back on the average American, and that is a shame.

Last night, what happened was that a sham bill passed in this House with very little support from our side and with many Democrats voting against it. That was nothing but cover for Democrats. Even the media here in Washington, D.C., the liberal media, has said that. It is only so that Democrats can go home and say, ''I voted for more drilling.'' That's what the Republicans have been asking for, and I voted for more drilling.

What's even worse is that 24 of the Democrats who had signed onto this bipartisan bill, introduced by Representative JOHN PETERSON, who is a Republican from Pennsylvania, and Representative NEIL ABERCROMBIE, who is a Democrat from Hawaii—the bill is called the Peterson-Abercrombie bill. We offered that as an alternative. It's not a perfect bill. There are a lot of problems with it, but we thought surely the 39 Democrats who were cosponsors of that bill would have voted for it. No. Only 15 of them voted for that bill, and 24 of them voted against it, but they tell their constituents that they are working hard to bring an alternative to the situation. I just want to quote a couple of them on what they said.

Representative NANCY BOYDA, Democrat of Kansas, a freshman here, was a cosponsor of the Peterson-Abercrombie bill, but she voted against it when given the opportunity last night. She said in a press release, though, on the 4th of September:

''I've been working with a large bipartisan group of representatives to develop a comprehensive, commonsense energy bill. Our Peterson-Abercrombie bill will provide sorely needed relief for Kansas families. It will help create energy independence for America and millions of jobs to help stabilize our struggling economy,'' press release, Representative NANCY BOYDA, Democrat of Kansas.

Now, what our Democratic colleagues think they can do is to tell their constituents one thing and do another on the floor of the House. We are not going to let that happen. We are going to tell the American people what is going on here. Speaker PELOSI has said it will be okay if these people campaign against her and blame her for not having energy legislation. They can go out and promise it, but they don't have to do anything.

We have Representative BARON HILL, Democrat of Indiana. This is in a press release from his office on the 14th of August 2008 while we were in the midst of being up here every day, telling the American people what the Democrats were doing. This is what his press release said:

'''I hope this bipartisan Peterson-Abercrombie bill will, indeed, be brought to the floor for a vote when we return to Washington in September,' Hill said. 'It would provide immediate relief while also bolstering the development of new energy sources in order to move this country closer to energy independence,''' Representative BARON HILL.

You know, folks, they were right about the Peterson-Abercrombie bill. It would have helped, but that's not what they voted for last night. They voted for a bill that creates an illusion of doing something and does absolutely nothing.

The last one I'm going to quote is a newspaper article that talks about Representative STEVE KAGEN, also a

freshman, who is a Democrat from Wisconsin. This is a newspaper article from the Herald Times in Wisconsin on 9/13/08:

''Kagen, who signed onto the bill Tuesday, said the Abercrombie-Peterson bill 'really is a comprehensive energy policy and a roadmap forward. That bill has the balance in investing in renewable sources. It raises royalty fees from those who are drilling, and it doesn't limit drilling to four or five States.' '' The title of that article was ''Congress Sitting on Energy Hot Seat.''

Ladies and gentlemen, we have to hold people accountable for doing what they promise to do in this country.

□ 2215

Republicans were held accountable in 2006, not just for not doing what they had promised. What we were held responsible for was being part of a party that has a philosophy that we stand for some things. We need to hold these people responsible.

The other thing that I think needs to be pointed out, and this was pointed out during the month of August several times, but not in exactly this way; but the Democrats, while letting average working Americans, all Americans, actually, suffer from the high price of gasoline, but particularly our working friends who are paying high prices and struggling, struggling every day to make ends meet and make it in this country, obey the law and do what is right, the Democrats came to the Congress saying we are going to work every day. We think the Republicans haven't done all they should do. We are going to work every day. But from the first of August until the end of December they plan to work 14 days. Fourteen days, ladies and gentlemen.

While you are suffering, wondering how you are going to pay your bills, they are going to go home the end of next week after having worked this week, 4 days last week, maybe only 4 days this week. It may end up being only 13 days. It may end up being only 12 days. They are going to go home and leave you wondering how are you going to pay the bills, pay for the gasoline and deal with the challenges that face you and your family.

That is unacceptable to us as Republicans. That should be unacceptable to every American. We must hold them accountable, and we must make them stay here until we have an energy policy that will bring relief to the American people.

Now I want to yield back to my colleague from Georgia, Mr. WESTMORELAND.

Mr. WESTMORELAND. I want to thank the gentlewoman from North Carolina.

As she showed on this chart here with the unemployment rate going from a little less than 4.5 percent up to over 6.1 percent, the correlation, if you will notice, is with the gas prices. All this has happened since the new Democratic majority took over.

When we look at this unemployment, we wonder is it because of record energy prices? Is it because of increased labor costs because of the minimum wage increase? Is it the assault on companies that are making too much profit? Is it the trade agreements that have been ignored? Is it the new government mandates on everything from cars to light bulbs that could be causing this unemployment rate to go up?

We need to talk about that for just a minute, and I recognize the gentleman from Tennessee.

Mr. WAMP. One final point. I was here in the late nineties when we balanced the Federal budget, and about 5 years ago I gave a speech at the National Press Club talking about how the budget got balanced. Because while a lot of people would like to believe that we somehow cut spending to balance the budget, that didn't happen. We slowed the growth of spending below inflation for the first time in a generation. But why the budget got balanced was because revenues surpassed expenses with a robust U.S. economy, driven principally by the information sector, the likes of Bill Gates and Microsoft and us leading the world. So the speech I gave was we could do the same thing again with energy technology, with new energy solutions.

I have got to tell you now, before we leave there is going to be another push by the new majority for a second stimulus bill, and their idea of an economic stimulus is to extend unemployment benefits and to give some assistance for low income energy, which is going to be needed because this winter home heating fuel is going to be through the roof, even worse than it was last year.

But I will tell you, the most important thing we could do for the economy, again, is throw the ball deep, pass the American Energy Act, go after all the energy sources we can, create many manufacturing jobs, lead the world with our innovation with our manufacturing, with our technology deployment, throw it deep, and we could balance the budget again with a robust U.S. economy.

But as it sputters, the worst thing we can do is lock our energy resources and kind of cower down and say how can we borrow our way into prosperity? How can we bail out into prosperity? How can we just give people money?

No, we need to invest in these energy resources we have and the new technologies and all the new ideas. And nuclear, we ought to lead the world in nuclear production and not be caught in a Three Mile Island time warp of 30 years ago. Gracious, what do we have to be afraid of, our own energy and our own country? This is asinine. And we need to do that for the economy right now.

Governor Sarah Palin is saying it tonight. We ought to be saying it and doing it. We have got it in Alaska. We have it off the coast. We have got nuclear. We have the capability.

Energy, national security and the environment are together the most important challenges we face. So this is not process. This is not just a debate on the floor. This is our future, and this is whether or not our way of life is extended to the next generation. That is how important energy is tonight. We have got to stay and we have to fight for the American people here, because, frankly, they are being stymied on the floor of the House of Representatives.

Mr. WESTMORELAND. Just to follow up on that, we have shale, we have natural gas and we have the need for refineries. Not a new refinery has been built in this country. And those are good paying, mostly union jobs that are here. Those are good paying jobs that we are causing people to go to Nicaragua, Venezuela, Nigeria, Saudi Arabia, other parts of the world to even have employment.

I recognize the gentleman from Michigan.

Mr. MCCOTTER. I thank the gentleman. Earlier the gentleman from Tennessee had mentioned that we are going to be looking at the prospect of a speculators bill on the floor again. My question is, regardless of the merits of the speculators bill, it is a simple proposition to anyone watching.

We have heard much debate about energy policy. I remember hearing much of this back in a very unpleasant period of our Nation's history called the 1970s. What is old is new again. So when we hear about the speculators bill, the Democratic Congress, the Democratic majority, had come in with a reputation for being against the production of American domestic energy. Again, it was not limited to the technique of drilling. Clean coal, nuclear energy, all sorts of alternatives they were opposed to.

Now, if you were investing your money in the energy market and you saw the anti-American energy party take power in Washington, and you understood the concept of supply and demand, that as demand goes up, if supply stays stagnant, prices skyrocket, it doesn't take a rocket scientist to know that when the Democratic majority came into Washington, it was against the domestic production of America's own energy resources, that something was going to give and the prices were going to shoot through the roof and you were going to make a lot of money.

So, again what you see is the total denial of responsibility for their policies, many of which have failed to be implemented, having an impact on markets. Just as we will hear later on, or throughout the rest of the year, the 12 days or so that they even show up for the work they are paid to do, is when you promise the largest tax increase in American history in your budgets, when your chairman of the Ways and Means Committee talks about the ''mother of all tax increases,'' this is going to have affect on markets.

This is going to have an effect on the rational, hard-working Americans, who every day know that as much as they

scrimp and save, here comes big brother government to take that money right out of your pocket. So consequences of ideas, or even bad ideas especially, can be detrimental to the average, hard-working American.

Now, you and I, through the Chair the gentleman from Georgia, we know one thing: The best economic stimulus for the United States of America is an all-of-the-above energy strategy that gets that trend line on energy prices stabilized and going down so that the unemployment numbers can stabilize and start going down; so speculators start losing money because the supply of oil will be coming online and they know it; so big oil doesn't make the money as the supply floods the market to meet the demand and the prices stabilize and go down; so hard-working Americans know they are not going to have to choose between freezing and eating, they are not going to have to worry about whether they can drive to see their doctor in rural areas; so they can make sure they still work in manufacturing because the fixed cost of energy hasn't driven their job offshore or killed it altogether.

We know this, which is why we are so passionate about helping the people who have entrusted us with the opportunity to serve them in this, their House.

I will wrap it up with this, the gentleman from Georgia. There are many people who say, Republicans, you weren't great. You told us you stood for things. You told us you believed our liberty was from God, not the government; our prosperity was from the private sector, not the public sector.

Yes, we did, and we did not do a good enough job keeping with our principles.

There is a difference between us and this Democratic majority. I want to know what the succinct enunciation of the principles upon which you base policy are. Because what I see in the energy debate, or lack thereof, and the Democrat sham energy bill is a quite simple proposition. They support the government rationing of American energy. You will get 12 percent when you are suffering. We will lock up 88 percent forever. That is the gist of their argument.

Why does this matter now? Because you hear more of the same promises that the gentleman from Georgia listed and had proven broken. And when you start to do your thinking this year, as the American people are want to do, I will be more than happy if the American voters judge this Democratic Congress not by the fact that it took America in a new direction to a 9 percent approval rating, which technically makes the Democratic Congress the most hated in American history; I want Americans to look at two numbers.

I want Americans to look at the price of gas when the Democratic Party took power in January of 2007, promising to lower them; and I want them to look at the price of gas, oh, maybe around early November 2008. And tell you me if you have changed your mind, if you no longer think this Democratic Congress deserves to be the most hated in American history. Because they have a chance to work with us. We are putting politics aside. We will compromise in a real bipartisan fashion to help the people whole elected us.

But if you refuse, there is nothing we can do, because, as the gentleman started out earlier, the math doesn't add up in our favor.

Mr. WESTMORELAND. I want to thank the gentleman for that. I have just a few minutes to close. I appreciate all the kind folks that came here tonight to help me with this.

But I want to bring up one other thing that will characterize what the Democratic majority has said. I have already quoted Mr. KANJORSKI on ''we sort of stretched the truth and the people ate it up.'' I read you quotes from then Minority Leader PELOSI, now Speaker PELOSI, and the things that the American people were told, Mr. Speaker, to be able to gain the majority.

But I want to tell you something that is a little more fascinating, and we will have to talk about this again. This Congress passed a card check bill. We all like to be in the privacy of the voting booth. Even if somebody asks you how you are going to vote, you say, hey, that is a personal matter. Because a lot of times the polls will say one thing, the election results are something else, because people get in that voting booth and they decide to do something else; or it may not have been the popular thing to talk about with the people they were with.

We passed a card check bill that said if you wanted to become unionized it would have to be an open vote; not anymore a secret ballot, but an open vote. They passed this in this Congress. The bill was introduced by Mr. GEORGE MILLER.

But I want to read you a letter he sent to the Mexican Government in 2001. ''We understand that the secret ballot is allowed but not required by Mexican labor law. However, we feel that the secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union they might not otherwise choose. We respect Mexico as an important neighbor and trading partner, and we feel that the increased use of the secret ballot in union recognition elections will help bring real democracy to the Mexican workplace.''

They want to bring democracy to the Mexican workplace, but they want our guys not to have that same democracy that they want the Mexican workers to have. This is right in line with everything that we have heard tonight.

This Congress is being controlled by big labor, by environmentalists and by trial lawyers. If you fit into one of those groups, then you should be doing very well. If not, you are like all the rest of us; you are suffering at the pump, you are worried about how you are going to pay your high home heating oil bill, you are worried about your job as the unemployment rate is skyrocketing with the price of gas. You are living under the failed systems we have had in this body. And remember, they have 235 Members. It only takes 218 to pass something out of this House.

Quit whining. Get out of the fetal position and do something for the American people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CHRISTENSEN (at the request of Mr. HOYER) for today on account of a funeral in her district.

Mr. DREIER (at the request of Mr. BOEHNER) for today on account of the death of his mother.

Mr. POE (at the request of Mr. BOEHNER) for today after 5 p.m. and the balance of the week on account of continuing recovery efforts after Hurricane Ike.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COHEN) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. BRALEY of Iowa, for 5 minutes, today.

Mr. HONDA, for 5 minutes, today.

Mr. WEINER, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. TAYLOR, for 5 minutes, today.

(The following Members (at the request of Mr. COBLE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, September 23 and 24.

Mr. JONES, for 5 minutes, September 23 and 24.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. DAVIS of Kentucky, for 5 minutes, September 24.

Mr. CONAWAY, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

(The following Member (at her request) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A Concurrent Resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 87. Concurrent resolution congratulating the Republic of Latvia on the 90th anniversary of its declaration of independence; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5938. An act to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on September 11, 2008 she presented to the President of the United States, for his approval, the following bills.

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

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

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

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Thursday, September 18, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

8443. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Chicken, Goat Meat, Perishable Agricultural Commodities, Peanuts, Pecans, Ginseng, and Macadamia Nuts [Docket No. AMS-LS-07-0081] (RIN: 0581-AC26) received August 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8444. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Citrus Canker; Movement of Fruit From a Quarantined Area; Bag Markings [Docket No. APHIS-2008-0080] (RIN: 0579-AC81) received August 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8445. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Milk in the Northeast and Other Marketing Areas; Delay of Effective Date [Docket No. AMS-DA-07-0026; AO-14-A77] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8446. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Specialty Crop Block Grant Program-Farm Bill; Notice of Request for Approval of a New Information Collection [Docket No. AMS-FV-08-0057; FV-08-379 IFR] (RIN: 0581-AC88) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8447. A letter from the Secretary of the Commission, Department of the Treasury, transmitting the Department's final rule — Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003 [Docket ID OCC-2007-0017] (RIN: 1557-AC87) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8448. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Fair Housing and Nondiscrimination on the Basis of Disability (RIN: 3064-AD31) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8449. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — Truth in Lending [Regulation Z; Docket No. R-1320] received August 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8450. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — Truth in Lending [Regulation Z; Docket No. R-1305] received August 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8451. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Dilley and Cotulla, Texas) [MB Docket No. 07-183 RM-11394] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8452. A letter from the Division Chief, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of The Commercial Mobile Alert System [PS Docket No. 07-287] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8453. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Arlington and Boardman, Oregon; Boise, Caldwell, Grangeville, Hazelton, Iona, Jerome, McCall, Melba, Salmon, and Sun Valley, Idaho; Elko and Owyhee, Nevada; Finley, Pasco, and Walla Walla, Washington; and West Yellowstone, Montana [MB Docket No. 06-72 RM-11245 RM-11340] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8454. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Modification of Interchange and Transmission Loading Relief Reliability Standards; and Electric Reliability Organization Interpretation of Specific Requirements of Four Reliability Standards [Docket No. RM08-7-000; Order No. 713] received August 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8455. 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 the Devils River Minnow [[FWS-R2-ES-2008-0018] [92210-1117-0000-B4]] (RIN: 1018-AV25) received August 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8456. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — North Dakota Regulatory Program [SATS No: ND-050-FOR; Docket ID No. OSM-2008-0004] received September 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8457. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Modifications of the West Coast Commercial Salmon Fishery; Inseason Action #3 and #4 [Docket No. 070430095 7095 01] (RIN: 0648-XH91) received August 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8458. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean; Gulf of Mexico, and South Atlantic; Snapper-grouper Fishery of the South Atlantic; Closure of the 2008 Commercial Fishery for the Golden Tilefish in the South Atlantic [Docket No. 040205043-4043-01] (RIN: 0648-XI45) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8459. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1 Issue: IRC Section 118 Abuse Directive #4 [LMSB Control No. LMSB-4-0608-034] received August 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8460. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Sec. 475 Valuation Safe Harbor [Notice 2008-71] received August 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8461. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1 Issue: IRC Section 118 Abuse Directive #4 [LMSB Control No. LMSB-4-0608-034] received August 5, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8462. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.202: Closing agreements. (Rev. Proc. 2008-50) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8463. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit, or abatement; determination of tax liability (Rev. Proc. 2008-53) received August 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8464. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.204: Changes in accounting periods and in methods of accounting. (Also Part I, 56, 61, 1.61-4, 77, 162, 1.162-12, 166, 167, 168, 171, 174, 179B, 181, 194, 197, 263, 263A, 267, 280F, 404, 446, 447, 448, 451, 454, 455, 460, 461, 467, 471, 472, 475, 481, 585, 832, 846, 861, 985, 1012, 1272, 1273, 1278, 1281, 1363, 1400I (Rev. Proc. 2008-52) received August 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); 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:

Ms. SUTTON: Committee on Rules. House Resolution 1449. Resolution providing for consideration of the bill (H.R. 6604) to amend the Commodity Exchange Act to bring greater transparency and accountability to commodity markets, and for other purposes (Rept. 110–859). Referred to the House Calendar.

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 Mr. BOUSTANY:

H.R. 6918. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for expenses paid or incurred by reason of a mandatory evacuation; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 6919. A bill to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, 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. KANJORSKI:

H.R. 6920. A bill to authorize the Secretary of the Treasury, on an emergency basis, to guarantee loans made by depository institutions during the 2008-2009 heating season to eligible consumers, under certain conditions, for home heating purchases and repairs, and for other purposes; to the Committee on Financial Services.

By Mr. MORAN of Kansas:

H.R. 6921. A bill to provide additional oversight and transparency to the commodity futures markets by authorizing greater resources and authority for the Commodity Futures Trading Commission, and for other purposes; to the Committee on Agriculture.

By Mr. BAIRD (for himself, Mr. DEFAZIO, Mr. DICKS, Mr. SALAZAR, and Ms. HERSETH SANDLIN):

H.R. 6922. A bill to amend the Small Business Act to provide low-interest loans to small business concerns providing transportation services to assist them in dealing with high motor fuel prices; to the Committee on Small Business.

By Mr. BARRETT of South Carolina:

H.R. 6923. A bill to require the Secretary of Homeland Security to complete at least 700 miles of reinforced fencing along the Southwest border by December 31, 2010, and for other purposes; to the Committee on Homeland Security.

By Mr. HERGER (for himself and Mr. BRADY of Texas):

H.R. 6924. A bill to provide for the modification of duties on environmental goods; to the Committee on Ways and Means.

By Ms. HERSETH SANDLIN:

H.R. 6925. A bill to amend title 10, United States Code, to require that each member of the Armed Forces receive employment assistance, job training assistance, and other transitional services provided by the Secretary of Labor before that member separates from active duty service; to the Committee on Armed Services.

By Mr. KILDEE (for himself and Mr. EMANUEL):

H.R. 6926. A bill to authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs; to the Committee on Education and Labor.

By Mrs. MALONEY of New York:

H.R. 6927. A bill to protect the civil rights of victims of gender-motivated violence and to promote public safety, health, and regulate activities affecting interstate commerce by creating employer liability for negligent conduct that results in an individual's committing a gender-motivated crime of violence against another individual on premises controlled by the employer, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCOLLUM of Minnesota (for herself and Mrs. LOWEY):

H.R. 6928. A bill to award grants to improve after-school interdisciplinary education programs, and for other purposes; to the Committee on Education and Labor.

By Mr. MILLER of North Carolina:

H.R. 6929. A bill to amend title 28 of the United States Code to require reporting on certain authoritative legal interpretations issued by the Department of Justice, including the Office of Legal Counsel, and for other purposes; to the Committee on the Judiciary.

By Mr. MORAN of Virginia (for himself, Mr. MILLER of Florida, Mr. BILIRAKIS, Ms. BORDALLO, Mrs. MALONEY of New York, Mr. BURTON of Indiana, Mr. KING of New York, Mr. MCGOVERN, Mr. ISRAEL, Mr. ROTHMAN, Mr. BRADY of Pennsylvania, and Ms. WOOLSEY):

H.R. 6930. A bill to amend title 10, United States Code, to authorize extended benefits for certain autistic dependents of certain retirees; to the Committee on Armed Services.

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

H.R. 6931. A bill to amend title XIX of the Social Security Act to provide an option of States to cover a children's program of all-inclusive coordinated care (ChiPACC) under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. NADLER (for himself, Mr. SMITH of Texas, Mr. WEXLER, and Mr. FRANKS of Arizona):

H.R. 6932. A bill to amend the Fair Housing Act to prevent discrimination relating to the display of religious symbols, and for other purposes; to the Committee on the Judiciary.

By Mr. PLATTS (for himself, Ms. CASTOR, Mr. DENT, Mr. COBLE, Mr. LATHAM, and Mr. BUCHANAN):

H.R. 6933. A bill to extend the expiration date of coupons issued under the digital television converter box program; to the Committee on Energy and Commerce.

By Ms. SOLIS:

H.R. 6934. A bill to amend and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on Education and Labor.

By Mr. UDALL of Colorado (for himself and Mr. FEENEY):

H.R. 6935. A bill to provide technical corrections to the Technology Administration Act of 1998, and for other purposes; to the Committee on Science and Technology.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H. Con. Res. 418. Concurrent resolution honoring the 40th Anniversary of the Project SEED Program; to the Committee on Science and Technology.

By Ms. LEE:

H. Con. Res. 419. Concurrent resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week; to the Committee on Energy and Commerce.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H. Res. 1448. A resolution authorizing and directing the Committee on the Judiciary to inquire whether the House should impeach G. Thomas Porteous, a judge of the United States District Court for the Eastern District of Louisiana; to the Committee on Rules. considered and agreed to.

By Mr. CONAWAY (for himself, Mrs. CUBIN, Mr. SULLIVAN, Mrs. BACHMANN, Mr. MCHENRY, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. GINGREY, Mr. KINGSTON, Mr. BROUN of Georgia, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. BARTLETT of Maryland, and Mr. BISHOP of Utah):

H. Res. 1450. A resolution amending the Rules of the House of Representatives to require officers and employees of the House to read the Constitution of the United States each year; to the Committee on Rules.

By Mr. MCGOVERN (for himself, Mr. WOLF, Mr. BERMAN, and Ms. ROS-LEHTINEN):

H. Res. 1451. A resolution establishing the Tom Lantos Human Rights Commission in the House of Representatives; to the Committee on Foreign Affairs.

By Mr. GARRETT of New Jersey (for himself and Ms. KAPTUR):

H. Res. 1452. A resolution establishing the Select Committee on Financial Bailouts; to the Committee on Rules.

By Mr. DAVIS of Illinois (for himself, Mr. SHIMKUS, and Mrs. CHRISTENSEN):

H. Res. 1453. A resolution supporting the goals and ideals of Sickle Cell Disease Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. GERLACH (for himself, Mr. BARTLETT of Maryland, Mr. MCCOTTER, Mr. PLATTS, Mr. TIBERI, Mrs. BIGGERT, Mr. SHUSTER, and Mr. HINCHEY):

H. Res. 1454. A resolution expressing the strong support of the House of Representatives for the North Atlantic Treaty Organization to enter into a Membership Action Plan with Ukraine; to the Committee on Foreign Affairs.

By Mr. LAHOOD (for himself, Mr. RAHALL, Mr. DREIER, Mr. BOUSTANY, and Mr. ISSA):

H. Res. 1455. A resolution commemorating the 25th anniversary of the terrorist bombing of the United States Marine Corps barracks in Beirut, Lebanon; to the Committee on Armed Services.

By Mr. LANGEVIN (for himself, Mr. MCCAUL of Texas, Mr. WU, Mr. GINGREY, Mr. THOMPSON of Mississippi, and Mr. KING of New York):

H. Res. 1456. A resolution supporting the goals and ideals of National Cyber Security Awareness Month and raising awareness and enhancing the state of computer security in the United States; to the Committee on Science and Technology.

By Mr. LATTA:

H. Res. 1457. A resolution expressing the sense of the House of Representatives that in order to continue aggressive growth in our Nation's telecommunications and technology industries, the United States Government should "Get Out of the Way and Stay Out of the Way"; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATSON (for herself, Mr. MANZULLO, Mr. FALEOMAVAEGA, Ms. BERKLEY, Mr. JACKSON of Illinois, Mr. MCNULTY, Mrs. LOWEY, Mr. PALLONE, Ms. KILPATRICK, Ms. EDDIE BERNICE

JOHNSON of Texas, Mr. RANGEL, Ms. MOORE of Wisconsin, Mrs. CAPPS, Mr. CARSON, Mr. COHEN, Ms. SOLIS, Ms. MATSUI, Mr. BERRY, Mr. HINCHEY, Mr. HONDA, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, Ms. CASTOR, and Mrs. NAPOLITANO):

H. Res. 1458. A resolution recognizing and honoring Johnny Grant for his work as the Honorary Mayor of Hollywood, California for more than a quarter of a century; to the Committee on Foreign Affairs.

By Mr. YOUNG of Alaska:

H. Res. 1459. A resolution congratulating Carlos Boozer, Corey Cogdell, and Matt Emmons for their outstanding achievements in the 2008 Beijing Summer Olympic Games; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. TANNER.
H.R. 618: Mr. LATTA.
H.R. 861: Mr. SCALISE.
H.R. 1029: Mr. MORAN of Virginia, Ms. RICHARDSON, MRS. EMERSON, Mr. WU, and Ms. WASSERMAN SCHULTZ.
H.R. 1073: Mrs. BIGGERT.
H.R. 1322: Mr. ISRAEL.
H.R. 1363: Mr. SHULER.
H.R. 1398: Mr. RODRIGUEZ.
H.R. 1428: Mr. SHULER.
H.R. 1456: Ms. LORETTA SANCHEZ of California.
H.R. 1524: Mr. MAHONEY of Florida.
H.R. 1650: Mr. CAZAYOUX.
H.R. 1655: Mr. LEWIS of Georgia and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 1738: Mr. LATHAM.
H.R. 1767: Mr. MCCRERY.
H.R. 1801: Mr. DAVIS of Illinois and Mr. WOLF.
H.R. 1820: Ms. CORRINE BROWN of Florida, Mr. MURPHY of Connecticut, Mrs. LOWEY, Mrs. TAUSCHER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ROS-LEHTINEN, and Mr. BACA.
H.R. 1843: Mr. BOREN.
H.R. 1903: Mr. SCHIFF.
H.R. 2015: Mr. CLYBURN, Ms. CORRINE BROWN of Florida, Mr. CONYERS, and Mr. FOSTER.
H.R. 2216: Ms. NORTON.
H.R. 2221: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. BACA, Mr. MILLER of North Carolina, Ms. CASTOR, and Mr. UDALL of Colorado.
H.R. 2279: Mr. WITTMAN of Virginia.
H.R. 2332: Mr. DANIEL E. LUNGREN of California and Mr. BISHOP of Georgia.
H.R. 2373: Mr. EMANUEL.
H.R. 2652: Mrs. BONO MACK.
H.R. 2724: Ms. ZOE LOFGREN of California.
H.R. 3080: Ms. TSONGAS.
H.R. 3326: Mr. HODES, Mr. CONYERS, Mrs. BIGGERT, and Mr. FOSTER.
H.R. 3333: Mr. BARROW.
H.R. 3442: Mr. GRAVES.
H.R. 3663: Ms. HIRONO.
H.R. 4141: Mr. PAYNE.
H.R. 4851: Mr. HARE and Ms. LINDA T. SÁNCHEZ of California.
H.R. 5131: Mrs. MILLER of Michigan.
H.R. 5174: Mr. GERLACH.
H.R. 5268: Mr. COSTA, Mr. MURPHY of Connecticut, Ms. HOOLEY, and Mr. BERRY.
H.R. 5469: Mr. SESTAK.
H.R. 5603: Mr. SPACE.
H.R. 5629: Mr. DONNELLY.
H.R. 5635: Mr. MCDERMOTT.
H.R. 5652: Ms. JACKSON-LEE of Texas.
H.R. 5656: Mr. HELLER, Mr. DOOLITTLE, and Mr. GOODE.
H.R. 5672: Mr. SESTAK.
H.R. 5714: Mr. SMITH of Texas, Mr. CARNEY, Mr. LEWIS of Kentucky, Mr. MCNULTY, Ms. JACKSON-LEE of Texas, Mr. MORAN of Kansas, Mr. THOMPSON of California, Mr. CONAWAY, Mr. FEENEY, and Mr. ENGLISH of Pennsylvania.
H.R. 5734: Mrs. LOWEY, Mr. CARNAHAN, Mr. LAHOOD, and Mr. COHEN.
H.R. 5742: Ms. WATSON.
H.R. 5793: Mr. GRAVES, Mr. LUCAS, Mr. CUELLAR, Mr. MOLLOHAN, Mrs. CAPITO, Mr. POE, Mr. WELLER, Mr. ISRAEL, Mr. ROSKAM, Mr. HALL of Texas, Mr. SOUDER, Mr. COSTA, Mr. ALEXANDER, Mr. COLE of Oklahoma, Mr. BROWN of South Carolina, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5823: Mr. COURTNEY and Mr. CARNAHAN.
H.R. 5842: Mr. MORAN of Virginia.
H.R. 5854: Mr. BISHOP of Georgia and Mr. DICKS.
H.R. 5868: Mr. SMITH of New Jersey.
H.R. 5965: Mr. SESTAK.
H.R. 6013: Mr. CAZAYOUX.
H.R. 6029: Mr. SERRANO and Mr. HINCHEY.
H.R. 6126: Mr. CARSON.
H.R. 6209: Mr. HONDA.
H.R. 6220: Mr. SCALISE.
H.R. 6427: Mr. LYNCH and Mr. SKELTON.
H.R. 6453: Mr. WITTMAN of Virginia.
H.R. 6462: Mrs. LOWEY.
H.R. 6477: Ms. LINDA T. SÁNCHEZ of California and Mr. BRADY of Pennsylvania.
H.R. 6570: Mr. BISHOP of Georgia.
H.R. 6581: Mr. KLEIN of Florida.
H.R. 6584: Mr. DEFAZIO, Mr. BLUMENAUER, Mr. WALDEN of Oregon, and Mr. WU.
H.R. 6585: Mr. DEFAZIO, Mr. BLUMENAUER, Mr. WALDEN of Oregon, and Mr. WU.
H.R. 6586: Mr. DEFAZIO, Mr. BLUMENAUER, Mr. WALDEN of Oregon, and Mr. WU.
H.R. 6587: Mr. HULSHOF.
H.R. 6594: Mr. KLEIN of Florida, Mr. GONZALEZ, and Mr. HODES.
H.R. 6666: Mr. RADANOVICH, Mr. POE, Mr. CAMPBELL of California, Mr. BARRETT of South Carolina, Mr. DAVIS of Kentucky, Mrs. SCHMIDT, Mr. GOODE, Mr. BROWN of South Carolina, Mr. MCCOTTER, and Mr. MARCHANT.
H.R. 6680: Ms. MATSUI and Mr. FILNER.
H.R. 6696: Mr. SHAYS.
H.R. 6735: Mr. CALVERT and Mr. SIMPSON.
H.R. 6737: Mr. LAMBORN.
H.R. 6742: Mr. SESTAK.
H.R. 6747: Mr. SESTAK.
H.R. 6792: Mr. SESTAK.
H.R. 6797: Ms. WOOLSEY, Mr. HASTINGS of Florida, and Mr. BOSWELL.
H.R. 6800: Ms. BALDWIN.
H.R. 6831: Mr. SCOTT of Georgia and Mr. PASTOR.
H.R. 6836: Mr. EHLERS, Mrs. MILLER of Michigan, and Mr. ROGERS of Michigan.
H.R. 6848: Mr. KLINE of Minnesota and Mrs. BACHMANN.
H.R. 6849: Mr. SKELTON, Mr. LOEBSACK, Mr. GOODLATTE, Mr. SHIMKUS, Mr. PETERSON of Minnesota, Mr. LATTA, Mr. WHITFIELD of Kentucky, Mr. LINCOLN DAVIS of Tennessee, Mr. SPACE, Mr. PRICE of North Carolina, Mr. MCHENRY, Mr. ROGERS of Alabama, Mr. ELLSWORTH, Mr. TERRY, Mr. LUCAS, Mrs. MILLER of Michigan, Mr. LAHOOD, and Mrs. MYRICK.
H.R. 6853: Mr. KLEIN of Florida.
H.R. 6860: Mr. POE, Mrs. BACHMANN, Mrs. MUSGRAVE, Ms. FALLIN, Mr. BROWN of South Carolina, Mr. PRICE of Georgia, Mr. GOODE, Mrs. SCHMIDT, Mr. MCCOTTER, Mr. BROUN of Georgia, Mr. LAMBORN, Mr. GINGREY, Mr. DOOLITTLE, Mr. HERGER, and Mr. MARCHANT.
H.R. 6864: Mr. MCHUGH, Mr. RYAN of Wisconsin, and Mr. TIM MURPHY of Pennsylvania.
H.R. 6871: Mr. SHERMAN.
H.R. 6873: Mr. GONZALEZ, Ms. GINNY BROWN-WAITE of Florida, Mr. SMITH of New Jersey, Mr. OBERSTAR, Mr. MCHUGH, Mr. WALBERG, and Mr. WOLF.
H.R. 6884: Mr. WOLF, Mr. MCHUGH, Mr. NADLER, and Mr. GENE GREEN of Texas.
H.R. 6898: Ms. BERKLEY.
H.R. 6904: Mr. DEFAZIO, Mr. BLUMENAUER, and Mr. WALDEN of Oregon.
H. Con. Res. 81: Mr. GENE GREEN of Texas.
H. Con. Res. 284: Mr. CARTER, Mr. SOUDER, and Mr. ADERHOLT.
H. Con. Res. 333: Mr. ROYCE.
H. Con. Res. 360: Mr. SESTAK and Mr. NADLER.
H. Con. Res. 383: Mr. BISHOP of Georgia, Mrs. MUSGRAVE, and Mr. YOUNG of Alaska.
H. Con. Res. 388: Mr. HERGER.
H. Con. Res. 393: Mr. GONZALEZ, Ms. NORTON, and Mr. KILDEE.
H. Con. Res. 405: Ms. BORDALLO, Mr. WILSON of South Carolina, and Mrs. CAPPS.
H. Con. Res. 407: Ms. JACKSON-LEE of Texas.
H. Con. Res. 409: Mr. BILBRAY, Mr. CHABOT, Mr. WILSON of South Carolina, Mr. HERGER, Mr. WAMP, Mr. GARRETT of New Jersey, Mrs. BACHMANN, Ms. FALLIN, Mr. BROWN of South Carolina, Mr. SCALISE, Mr. MARCHANT, Mrs. SCHMIDT, Mr. DAVIS of Kentucky, Mr. BARRETT of South Carolina, Mr. KLINE of Minnesota, and Mr. LAMBORN.
H. Con. Res. 411: Mr. SCOTT of Virginia, Mr. KING of New York, Mr. GOHMERT, and Mr. STUPAK.
H. Con. Res. 416: Mr. BARROW, Mr. WEINER, Ms. BALDWIN, Mr. BUTTERFIELD, Mr. FOSSELLA, Mr. TOWNS, and Ms. MATSUI.
H. Con. Res. 417: Mr. HENSARLING, Mr. FRANKS of Arizona, Mr. SAXTON, Mr. BARTON of Texas, Mr. MARCHANT, Mr. WITTMAN of Virginia, Mr. SHIMKUS, Mr. SHADEGG, Mrs. BONO MACK, Mr. STEARNS, Mr. BOUSTANY, Mr. BARRETT of South Carolina, and Mr. NEUGEBAUER.
H. Res. 671: Mr. WAMP, Mr. SERRANO, and Mr. GENE GREEN of Texas.
H. Res. 757: Ms. BALDWIN.
H. Res. 888: Mr. CARTER.
H. Res. 988: Mr. BERRY.
H. Res. 1042: Ms. CORRINE BROWN of Florida, Mr. COLE of Oklahoma, Mr. HARE, Mr. PASCRELL, Mr. BUTTERFIELD, Mr. GONZALEZ, and Mrs. BACHMANN.
H. Res. 1179: Mr. FRANKS of Arizona.
H. Res. 1333: Mr. GENE GREEN of Texas, Mr. MILLER of North Carolina, Mr. MARIO DIAZ-BALART of Florida, Mr. MCDERMOTT, and Mr. SCOTT of Virginia.
H. Res. 1338: Ms. SCHAKOWSKY.
H. Res. 1352: Mr. SHAYS, Mr. MCCAUL of Texas, Mrs. MILLER of Michigan, Mr. REICHERT, Mrs. MALONEY of New York, Mr. ENGEL, Mr. HIGGINS, Mr. SERRANO, Mr. BACHUS, Mr. MCNULTY, Ms. GINNY BROWN-WAITE of Florida, Mr. BILIRAKIS, Mr. BURGESS, Mr. ROGERS of Alabama, Mr. JONES of North Carolina, Mr. ARCURI, and Mr. ROHRABACHER.
H. Res. 1356: Mr. GOHMERT.
H. Res. 1369: Mrs. MCCARTHY of New York.
H. Res. 1375: Mr. MCCOTTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCHUGH, Mr. FOSTER, Mr. LAHOOD, Mr. BOSWELL, and Mr. JACKSON of Illinois.
H. Res. 1379: Mr. ABERCROMBIE.
H. Res. 1381: Mr. PASTOR, Mrs. NAPOLITANO, Mr. BACA, Mr. CHANDLER, Ms. WOOLSEY, Mr. HINOJOSA, Mr. JEFFERSON, Mr. CROWLEY, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Mr. SIRES, Mr. GENE GREEN of Texas, Mr. LOEBSACK, Mr. PASCRELL, Mr. THOMPSON of Mississippi, Mr. FATTAH, Mr. DOYLE, Ms. LEE, Mr. PAYNE, Mr. ROSS, Mr. KANJORSKI, Mr. BERMAN, Mrs. MCCARTHY of New York, Mr. ENGEL, Mr. HASTINGS of Florida, Mr. EDWARDS of Texas, Mr. DELAHUNT, Mr. HILL, Mr. HOLT, Mr. SCHIFF, Mr. REYES, Mr. POMEROY, Mr. KENNEDY, Ms. ZOE LOFGREN of California, Mr. SCOTT of Virginia, Mr. RODRIGUEZ, Mr. BECERRA, Mr. HONDA, Mr. GONZALEZ, Ms. VELÁZQUEZ, and Mr. DOGGETT.

H. Res. 1386: Mr. CALVERT, Mr. RADANOVICH and Mr. REICHERT.

H. Res. 1405: Mr. MCCOTTER and Mr. WOLF.

H. Res. 1414: Ms. BALDWIN.

H. Res. 1427: Mr. WOLF, Mrs. MILLER of Michigan, Mr. FORTENBERRY, Mr. HENSARLING, and Mr. YOUNG of Florida.

H. Res. 1438: Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 1440: Mr. ALLEN.

H. Res. 1445: Mrs. MYRICK, Mr. MOORE of Kansas, and Mr. HIGGINS.

H. Res. 1446: Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mrs. NAPOLITANO, and Mr. HINCHEY.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. COLLIN C. PETERSON OF MINNESOTA

H.R. 6604, the ''Commodity Markets Transparency and Accountability Act of 2008,'' does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2169: Mr. LARSEN of Washington.